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OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Fourth periodic report of States parties due in 1998

Addendum

Estonia*

[16 March 1999]

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* This document contains the initial, second, third and fourth periodic reports of Estonia, submitted in one document, due on 20 November 1992, 1994, 1996 and 1998.

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Introduction

1. Pursuant to article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination, the present report (including the initial, second, third and fourth reports) by the Republic of Estonia is submitted in accordance with the general guidelines adopted by the United Nations Committee on the Elimination of Racial Discrimination on 9 April 1980, as revised at the 984th meeting on 19 March 1993 (CERD/C/70/Rev.3).

2. The instrument of accession to the said document was deposited by the Republic of Estonia with the United Nations Secretary-General on 21 October 1991. The Convention entered into force in respect of the Republic of Estonia pursuant to article 19 (2) on 20 November 1991. The Convention was published in the State Gazette on 8 March 1995 (RT II 1995, 5-6, 30).

3. The report was prepared by the Ministry of Foreign Affairs in collaboration with other ministries.

4. Estonia is a parliamentary democracy which, on 20 August 1991, re-established its independence on the basis of legal continuity of statehood. This was followed by the reinstatement of diplomatic ties with Estonia. Iceland led the way (22 August), Russia and Hungary followed (24 August). On 6 September 1991, the Soviet Union recognized the independence of Estonia. A virtual avalanche of nations recognizing or reinstating diplomatic ties with Estonia followed.

5. A new democratic constitution was approved by a national referendum on 28 June 1992 and it entered into force on 3 July 1992.

6. The first fully free and democratic national parliamentary and presidential elections after regaining independence were held on 20 September 1992.

7. On 5 October 1992, the Riigikogu elected Lennart Meri the first President of the once again independent Republic of Estonia.

8. Estonia has been a member of the Organization for Security and Cooperation in Europe (OSCE) since 17 September 1991 and of the Council of Europe since 14 May 1993.

9. Estonia is a candidate for membership of the European Union. On 13 December 1997, at the Luxembourg Summit, the Council of the EU decided to begin EU accession negotiations in April 1998 with six countries, including Estonia. On 31 March 1998 the Intergovernmental Conference in Brussels marked the beginning of Estonia's accession negotiations with the EU.

I. GENERAL INFORMATION

10. Estonia is located in north-eastern Europe between $57^0$46'N and $59^0$49'N latitude and $21^0$46'E and $28^0$13'E longitude. The territory of Estonia is 45,215 km^2.

11. The Estonian State was established as the result of the Estonian's struggle for freedom and independence. The Estonians have inhabited the territory of Estonia for over 5,000 years but were ruled by foreign powers since the thirteenth century. The independent Estonian State became a reality only after the 1917 October Revolution in Russia. On 28 November 1917, the Estonian Diet (the Maapäev) declared itself the supreme power in Estonia. In February 1918, the Estonian Salvation Committee was formed which, on 24 February 1918, proclaimed Estonia's independence in "The Manifesto to All the Peoples of Estonia". This date is considered as the date of establishment of the Republic of Estonia.

12. Shortly after that, however, Estonia was occupied by Germany in the course of the First World War and it was not until November 1918, after Germany's defeat in the War and the end of the German occupation, that the Government of Estonia could begin to function. In November 1918, Estonia was attacked by the military forces of Soviet Russia and Estonians were forced to fight for their independence in the War of Independence (1918-1920) and the war against the Landeswehr in 1919. After the victory of the Estonian forces, the Tartu Peace Treaty was concluded with Soviet Russia on 2 February 1920, whereby Soviet Russia recognized the independence of Estonia "forever".

13. In April 1919, when the war was still being waged, the Constituent Assembly was formed and adopted the first Estonian Constitution in 1920. This established Estonia's parliamentary system, whereby power was entrusted to the Government composed of the State Elder and ministers, which was responsible to the parliament. The new State recognized all residents of Estonia as its citizens. By referendum in 1933, the Constitution was amended, considerably increasing the powers granted to the State Elder. With these amendments, Estonia was transformed into a presidential republic. However, in 1938, the third Estonian Constitution, with a more balanced division of powers, entered into force, and continued in force de jure throughout the Soviet occupation (1940-1991). In August 1939, the USSR and Nazi Germany concluded the so-called Molotov-Ribbentrop Pact, which contained secret protocols dividing Eastern Europe between the Soviet Union's and Germany's spheres of influence, whereby Estonia was included in the Soviet Union's sphere.

14. In September 1939, the Soviet Union presented Estonia with an ultimatum to allow the Soviet Union to place its military forces on Estonian territory and to conclude a treaty on military bases.

15. On 17 June 1940, the USSR occupied Estonia. A puppet Government was installed in Estonia, non-democratic parliamentary elections were staged in June 1940 and this unlawful parliament requested, on 6 August 1940, that Estonia be incorporated into the USSR and be named the Estonian Soviet Socialist Republic.

16. Until 16 June 1940, Estonia was an independent nation-State, and a full member of the League of Nations and numerous other international organizations. The occupation and annexation of Estonia by the Soviet Union completely dismantled the State system and society of the Republic of Estonia.

17. The Soviet occupation of Estonia was suspended temporarily in 1941 when Estonia was occupied by German forces. In the autumn of 1944, Estonia was again re-occupied by Soviet forces. The attempts by some Estonian politicians to restore the independence of Estonia upon the departure of German forces in 1944 were unsuccessful.

18. On 20 August 1991, at the beginning of the coup attempt in Moscow, the Supreme Council declared the Republic of Estonia fully independent. This was followed by the rapid recognition of Estonia's independence by many States of the world, including the Soviet Union.

A. State structure

19. The activities of the Riigikogu (the parliament of Estonia), the Government of the Republic and the courts are organized on the principle of separation and balance of powers (art. 4, The Constitution of the Republic of Estonia - hereinafter "EC").

20. Legislative power is vested in the Riigikogu (art. 59, EC), which is comprised of 101 members (art. 60, EC).

21. The President of the Republic is the head of State of Estonia (art. 77, EC). The current President is Lennart Meri.

22. Executive power in Estonia is vested in the Government of the Republic (art. 86, EC).

23. The Legal Chancellor is an independent official responsible for monitoring the conformity of legal acts adopted by the State legislator and the executive and by local governments with the Constitution and the laws (art. 139, EC).

24. Justice is administered solely by the courts. The courts are independent and administer justice in accordance with the Constitution and the laws (art. 146, EC). Estonia has a three-level court system:

County and city courts and administrative courts (courts of first instance);

Circuit courts (courts of second instance, which review judgements of the courts of first instance by way of appeal proceedings);

The Supreme Court (the highest court, which reviews court judgements by way of cassation proceedings and cases involving constitutional disputes).

25. The creation of specialized courts with specific jurisdiction shall be provided by law. The formation of emergency courts is prohibited (arts. 148 and 149, EC).

26. All persons have the right to the protection of the State and of the law (art.13, EC). The guarantee of rights and freedoms is the duty of the legislative, executive and judicial powers, as

well as of local governments (art. 14, EC). All persons have the right of recourse to the courts if their rights or freedoms are violated. Every person whose case is being tried by a court of law is entitled to demand that the constitutionality of any relevant law, other legal act or procedure be determined (art. 15, EC) (see also art. 6 below).

27. Generally recognized principles and rules of international law are an inseparable part of the Estonian legal system (art. 3, EC). If any law or other legislation is in conflict with an international treaty ratified by the Riigikogu (including international human rights conventions), the provisions of the international treaty shall apply (art. 123, EC).

28. The rights of all persons established in the International Convention on the Elimination of All Forms of Racial Discrimination are protected without restriction in Estonia. The provisions of the Convention are directly applicable.

B. The economy

29. The GDP growth rate has been the following: 4.3 per cent for 1995; 4.0 per cent for 1996 and 11.2 per cent for 1997. GDP in current prices in 1996 was 52.4 billion kroons and 65 billion kroons in 1997.

30. Finland continues to be Estonia's most important trading partner. For the third consecutive year the share of EU countries increased, both in exports and imports, mostly at the expense of the decrease in the share of countries of the Commonwealth of Independent States (CIS).

31. Industrial sales totalled EK 32.3 billion, up 26 per cent over the previous year in current prices. In comparative prices growth was 13 per cent exceeding the pace of GDP growth. State and municipal companies generated one fifth of the sales. This can be explained by the somewhat slow pace of privatization of the country's energy system and municipalities still possessing water supply and heating systems. The biggest growth occurred in manufacturing, where growth in constant prices reached 16.9 per cent.

32. The annual average growth of the consumer price index fell in 1997 as compared with previous years, reflecting a general deflationary trend. In 1996, consumer prices grew by 23.3 per cent compared with the previous year whereas in 1997 growth was only 11.2 per cent. Producer prices of industrial output went up by 7.8 per cent and export prices by 4.9 per cent in 1997 (9.9 per cent and 5.5 per cent, respectively, in 1996).

33. Privatization of the industrial sector in Estonia was almost completed in 1997. Preparations for privatization of utilities and infrastructure companies envisaged for 1998-1999 have progressed in terms of the legal aspect. The sale of large-scale infrastructure companies is the last phase of privatization in Estonia.

34. By the end of 1997, a total of EK 16.5 billion worth of direct foreign investments had been made into Estonia during the last eight years. In 1997, foreign direct investments into

Estonia (EK 3 6 billion) and Estonian direct investments abroad (EK 1 8 billion) were the biggest of recent years. The most favoured economic sectors were industry, real estate and rent services. As in previous years, major investors came from the Nordic countries.

35. Estonian residents' direct investments abroad increased, mostly in the form of long-term loan capital and share investments. The majority of investments were made in real estate, rent and business services and finance. More than two thirds of the investments were made in Latvia and Lithuania. The significant increase of Estonian foreign direct investments abroad clearly illustrates the growth and stability of Estonia's strengthening economy. As Estonia manages a successful and progressive transition to a private sector-led market economy, foreign capital in Estonia has facilitated the creation and implementation of modern economic structures. These new structures have been based on innovative modern technologies and a very highly skilled labour force resulting in the creation of many secure jobs.

C. Ethnic composition of the population*

36. National minorities have been living in Estonia since Estonia gained its independence. In order to understand the difference between the problems of those minorities and the problems of ethnic groups of later genesis, one has to be aware of the situation of the majority and minority ethnic groups during the pre-war independence (1918-1940) and the annexation period (1940-1991).

37. During the pre-war independence period (1919-1940) the Republic of Estonia was ethnically comparatively homogenous. Presently, Estonia's territory is a habitat for more than a hundred nations; Estonians make up less than two thirds of the total population.

38. In 1934, on the territory of the Republic of Estonia the population amounted to 1,126,413 people. The majority of the population was composed of Estonians (88.2 per cent). National minorities comprising 50 nations were 11.8 per cent of Estonia's population. Among the most numerous were the Russians (more than 1,000 people, i.e. 8.7 per cent), the Germans (1.5 per cent), the Swedes (0.7 per cent), the Latvians (0.5 per cent), the Jews (0.4 per cent), the Poles (0.1 per cent) and the Finns (0.1 per cent of the population). At that time the Jews, the Izhorians, the Roma, the Tartars, the Livonians, the Karelians, the Mordovians and the Zyrians belonged to the groups without an independent parent State. The national minorities had gathered on the peripheries of the State (the Russians, the Latvians, the Swedes) and, partially, in towns (the Germans, the Jews). The nomadic Roma were also represented in Estonia to a certain degree; the majority of Roma who lived in Estonia lost their lives during the German occupation.

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* This review has been compiled on the basis of the data of the 1989 population census. The most general data characterizing the ethnic minorities are presented.

39. After Estonia was annexed by the Soviet Union in 1940, brutal violence against Estonian citizens, both the ethnic Estonians and the national minorities, started. The first resettlements had already taken place in 1939, in connection with the transfer of Paldiski and several islands in the Gulf of Finland to the Soviet army. The inhabitants of the islands of the northern coast were predominantly Swedes.

40. After the Second World War and the successive annexation periods the original population of Estonia started to decrease. During 1943-1944, in addition to the Swedes approximately 70,000 Estonians left Estonia. The original population was further decreased by the mass deportations carried out by the Soviet Union in 1941 and 1949. After the territories behind Narva and the bigger part of Petserimaa were appended to Soviet Russia, no territories inhabited by ethnic minorities remained in Estonia. Thus, in 1945, the Estonian population consisted almost entirely of Estonians. After 45 years the proportion of Estonians among the population was only about 61.5 per cent.

41. During 1945-1950, 241,000 people immigrated to Estonia from the USSR. The first immigrants came from the north-western oblasts of Russia, but gradually they started coming from more far-off places. The second big wave of immigration took place during 1961-1970, when 95,000 new immigrants arrived. Besides the Russians, Ukrainians, Byelorussians and Finns were the most numerous groups of non-Estonians. By 1989 the following ethnic groups of more than 500 people inhabited Estonia: Jews, Tartars, Lithuanians, Poles, Germans, Latvians, Armenians, Azerbaijanis, Mordovians, Roma and the Chuvash people.

42. The non-indigenous character of the population of migratory background is manifested in their territorial location and their high level of urbanization. Estonians, on the contrary, are much less urbanized: 40.6 per cent of Estonians live in the country. The immigration wave from the east hit predominantly some Estonian towns, especially the bigger ones; other towns remained untouched by this relatively long process. The towns where the Estonians form the minority are unevenly distributed between the counties: the majority of such places lie in the north-east of Estonia and in Ida-Virumaa County. Among the rural population, Estonians form the overwhelming majority in all counties. The percentage of Estonians is, however, comparatively smaller in the rural settlements of Ida-Virumaa County (north-east Estonia) where, in addition to a certain influx of immigrants, there has been a continuous outflow of Estonians. On the average, Estonians constitute slightly more than a half, i.e. 51.2 per cent, of the urban population of Estonia.

43. The following paragraphs provide an introduction to the 10 national minorities, with more than 2,000 members each. The first four are big minorities, the rest are comparatively less numerous (2,000-5,000 people). The name of the nation is followed, by the number of people, and the languages used as the first languages by the people of these nations; it appears that a great number of different nations do not use their mother tongue in daily life.

44. The Russians (population: 474,834; languages: Russian - 98.6 per cent; Estonian - 1.3 per cent). The Russian community throughout the ages has been the largest national minority, and the total number of Russians today is several times that of all the other

national minorities together. The Russian community has ancient roots in Estonia. After the borders were changed by the Tartu Peace Treaty (1920), the Russian community in Estonia numbered about 100,000 people; approximately 150,000 Estonians remained within Russian territory. The post-war new border incorporated the majority of Estonia's Russian community, with their territory, into Russia, and thus a group of only about 20,000 Russians remained in Estonia to maintain the historical continuity. The present Russian population, which is about twenty times larger, is mainly the result of immigration; Estonia's native Russians account for only an insignificant part of the community of ethnic Russians.

45. The number of Russians in Estonian towns is 432,888, which is almost 40 per cent of Estonia's urban population. Among the Ida-Virumaa County urban population Russians form an absolute majority. It is essential to stress that although in Ida-Virumaa County the Russians form an absolute majority, only one third of Estonia's Russians live there. Half of the Russian population inhabits Harju County; a large number of Estonia's "old" Russians live in Jõgeva and Tartu Counties, and the biggest proportion of them probably live over the border.

46. The Ukrainians (population: 48,271; languages: Ukrainian - 44.2 per cent; Russian - 54.5 per cent; Estonian - 1.2 per cent). In 1934 there were only 92 Ukrainians in Estonia, but by 1989 popular census showed a Ukrainian population of 48,271 people. Thus, the Ukrainians have no historic roots in Estonia. The majority of Ukrainians, as the representatives of an immigrant nation, live in towns (88.6 per cent).

47. The Byelorussians (population: 27,711; languages: Byelorussian - 31.9 per cent, Russian - 67.1 per cent, Estonian - 0.7 per cent. According to the 1989 census 27,711 Byelorussians lived in Estonia and they form the third largest minority, although only 55 years ago (data from the 1934 census) there were no Byelorussians in Estonia. The Byelorussians have gathered mainly in north Estonia and a significant proportion of them have become Russified. The Byelorussians, as is characteristic of the migrant population, mostly inhabit towns (91.8 per cent).

48. The Finns (population: 16,622; languages: Finnish - 31.0 per cent; Russian - 28.1 per cent, Estonian - 40.8 per cent. The Finns are not native to Estonia, but the way they came to settle here differs from the East Slavonians. During the Second World War and shortly afterwards some of the Ingrian Finns, who were repressed by the Soviet regime, tried to settle in Estonia, but during 1948-1950 they were deported. They could return only in the second half of the 1950s. The Finns also came to Estonia as a result of the Winter War (between Finland and the Soviet Union), from the territories that were annexed to the Soviet Union. A great number of people who have registered as Finns in Estonia are actually Ingrian Finns (in 1989 they numbered only 306 people), perhaps also Karelians (881) and Vepsians (37). In 1989, 6,687 of the Finns were male and 9,881 female: the proportion of women and men was thus 60:40 in favour of women.

49. The Jews (population: 4,613; languages: Yiddish - 12.3 per cent, Russian - 78.3 per cent, Estonian - 8.4 per cent. In the nineteenth century a significant number of Polish Jews came to Estonia and their immigration has continued to this century. Like in

other European countries, the resident Jews have come to use the local native language, that is the Estonian language. In the course of the German occupation during the Second World War many Jews living in Estonia were murdered. The majority of the Jews in Estonia today are post-war immigrants from the Soviet Union.

50. The Tartars (population: 4,058; languages: Tartar - 55.4 per cent, Russian - 43.1 per cent, Estonian - 1.2 per cent). In 1934 there were 166 Tartars living in Estonia. The post-war years indicate a rapid and rather steady increase of the number of Tartars in Estonia, which is first and foremost a result of immigration. As many as 55.4 per cent of Estonian Tartars consider Tartar as their mother tongue, their native language has been preserved to a greater degree than that of some other previously mentioned ethnic groups.

51. The Germans (population: 3,466; languages: German - 36.0 per cent, Russian - 56.5 per cent, Estonian - 7.2 per cent). The Germans have had an important role in Estonia's history since the thirteenth century. Having lived here for centuries, the Germans have acquired local, so-called Baltic features. Today, as the result of the endeavours of Hitler and Stalin, the majority of Baltic Germans live in Germany, and instead Volga Germans inhabit Estonia. Hitler put an end to the Baltic Germans as Estonia's native ethnic minority. Following the call to return to Germany 13,339 Germans left Estonia in 1939-1940. The majority of the rest, that is approximately 2,000 people, left after the communist coup d'etat. Those who remained in Estonia (it is estimated that after the war there were less than 300 Germans in Estonia, most of them were from mixed families and had become Estonianized) were deported to Siberia early in 1945. Thus, according to the 1959 census there were only 670 Germans in Estonia. The following census yielded a figure more than ten times greater: in the second half of the 1960s Volga Germans started to move to Estonia, mainly from Central Asia.

52. The Latvians (population: 3,135; languages: Latvian - 57.2 per cent, Russian - 29.1 per cent, Estonian - 13.2 per cent). The total of 5,435 Latvians were living on the southern border of Estonia in 1934. According to the first post-war census the number of Latvians constituted only half of the former figure. Beginning in the 1960s and during the two following decades, the number of Latvians increased. The territorial dispersion of Latvians in Estonia is more even than, for example, that of the Poles or the Lithuanians and partly corresponds to the former native settlements.

53. The Poles (population: 3,008; (languages: Polish - 20 per cent, Russian - 63.4 per cent, Estonian - 8.3 per cent) and the Lithuanians (population: 2,568; languages: Lithuanian 62.7 per cent, Russian 30.2 per cent, Estonian 6.5 per cent). The Poles have a somewhat longer history in Estonia than do the Lithuanians: in 1934 there were more than six times more Poles than Lithuanians in Estonia. The non-native character of both the Poles and the Lithuanians is illustrated by the peculiarity of their territorial location. Like the Lithuanians, the Poles have gathered in locations where a more intensive immigration from the Soviet Union took place.

54. During the years following the restoration of Estonia's independence part of the new settlers left Estonia. Among these, in addition to the Jews, Germans and Finns, who repatriated for different reasons, Russian servicemen and members of their families also left Estonia.

ETHNIC COMPOSITION OF POPULATION

	1989	1994	1995	1996	1997	1998
Total population	1 565 662	1 506 927	1 491 583	1 476 301	1 462 130	1 453 844
Estonians	963 281	962 326	957 948	953 547	950 124	946 646
Russians	474 834	436 562	428 360	420 435	412 628	409 111
Ukrainians	48 271	40 501	39 585	38 588	37 306	36 929
Byelorussians	27 711	23 655	23 088	22 521	21 883	21 589
Finns	16 622	15 090	14 522	13 949	13 629	13 317
Jews	4 613	3 008	2 864	2 697	2 553	2 423
Tartars	4 058	3 546	3 484	3 389	3 315	3 271
Germans	3 466	1 861	1 733	1 517	1 349	1 288
Latvians	3 135	2 876	2 810	2 750	2 723	2 691
Poles	3 008	2 544	2 488	2 436	2 374	2 355
Lithuanians	2 568	2 383	2 329	2 284	2 245	2 221
Other nationalities	14 095	12 575	12 372	12 188	12 001	12 003

D. Estonia's international obligations

55. Article 123 of the Estonian Constitution establishes that international treaties are superior to national legislation. If laws or other legal acts contradict any international treaty ratified by the Riigikogu (parliament), the provisions of the treaty shall be applied.

56. In accordance with the Foreign Relations Act (RT I 1993, 72, 1020, 1997, 73, 1200, 1996, 49, 953) the Government of the Republic is responsible for the fulfilment of international treaties. If an Estonian legal act contradicts an international treaty, the Government either submits a bill to the Riigikogu for amendments to the act or the Government amends other legal acts within its competence to comply with the treaty.

57. Article 9 of the Code of Civil Court Procedure (RT I 1998, 43, 666) establishes that the courts must hand down decisions based on norms of international law ratified by the Republic of Estonia and Estonian law. If a treaty entered into by the Republic of Estonia or a convention to which Estonia is a party provides rules of procedure other than those established by laws which regulate civil court procedure in the Republic of Estonia, the rules of procedure established by the treaty or convention shall be applied.

58. Based on the above, and on the provisions of the Estonian Constitution which state that universally recognized principles and norms of international law are an inseparable part of the Estonian legal system, an international treaty can be applied without being included in Estonia's legislation and the provisions of the international treaty may be referred to directly. The Supreme Court has done so in practice.

59. The Constitution establishes that in the case of a contradiction between an Estonian law and an international treaty, the international treaty shall have superiority. The Constitution also

states that the Republic of Estonia shall not enter into treaties which contradict the Constitution. As the Constitution establishes the superiority of international treaties, the opportunity to use international treaties exists in Estonian courts.

60. Estonia is a State party to the following relevant international instruments:

(a) Convention on the Prevention and Punishment of the Crime of Genocide (entered into force on 19 January 1992 (RT II 1994/27/103));

(b) International Covenant on Economic, Social and Cultural Rights (entered into force on 21 January 1992 (RT II 1993/10-11/13));

(c) International Covenant on Civil and Political Rights (entered into force on 21 January 1992 (RT II 1993/10-11/11));

(d) Optional Protocol to the International Covenant on Civil and Political Rights (entered into force on 21 January 1992 (RT II 1993/10-11/12));

(e) Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity (entered into force on 19 January 1992 (RT II 1994/16-17/50));

(f) International Convention on the Suppression and Punishment of the Crime of Apartheid (entered into force on 20 November 1991 (RT II 1995/5-6/29));

(g) Convention on the Elimination of All Forms of Discrimination against Women (entered into force on 20 November 1991 (RT II 1995/5-6/31));

(h) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (entered into force on 20 November 1991 (RT II 1994/14-15/44));

(i) International Convention against Apartheid in Sports (entered into force on 20 November 1991 (RT II 1996/8/26));

(j) Convention on the Rights of the Child (entered into force on 20 November 1991 (RT II 1996/16/56));

(k) Convention relating to the Status of Refugees and Protocol relating to the Status of Refugees (Convention entered into force on 9 July 1997, Protocol entered into force on 10 April 1997 (RT II 1997/6/26));

(l) Convention for the Protection of Human Rights and Fundamental Freedoms (ETS 5) as amended by Protocol Nos. 3, 5, 8 (ETS 45, 55, 118) and as completed by Protocol No. 2 (ETS 44) (entered into force on 16 April 1996) (the Convention and its Protocols (except Protocol No. 6) are published in RT II 1996/11-12/34);

(m) Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS 9) (entered into force with the Convention);

(n) Protocol No. 4 to the Convention (ETS 46) (entered into force with the Convention);

(o) Protocol No. 6 to the Convention (ETS 114) (entered into force on 1 May 1998 (RT II 98/14/22));

(p) Protocol No. 7 to the Convention (ETS 117) (entered into force on 1 July 1996);

(q) Protocol No. 9 to the Convention (ETS 140) (entered into force on 1 August 1998);

(r) Protocol No. 10 to the Convention (ETS 146) (ratified with the Convention);

(s) Protocol No. 11 to the Convention (ETS 155) (entered into force on 1 November 1998);

(t) European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS 126) (entered into force on 1 March 1997 (RT II 1996/36-37/132));

(u) Protocol Nos. 1 and 2 to the European Convention for the Prevention of Torture (ETS 151 and 152) (ratified with the Convention);

(v) Framework Convention for the Protection of National Minorities (ETS 157) (entered into force on 1 February 1998 (RT II 96/40/154));

(w) European Social Charter (Revised) (ETS 163) (signed on 4 May 1998).

II. INFORMATION ON THE ARTICLES OF THE CONVENTION

A. Article 2

61. The non-discrimination and equal treatment obligations established in article 2 are treated in more detail in articles 3-7 of this report.

1. Prohibition of racial discrimination

62. Basic human rights and freedoms form chapter II of Estonia's Constitution. The direct aim of article 12 of the Constitution is prohibition of discrimination on any grounds and it establishes that everyone is equal before the law. Everyone is equal before the law. No one shall be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or on other grounds. The incitement of national, racial, religious or political hatred, violence or discrimination shall, by law, be prohibited and punishable. The incitement of hatred, violence or discrimination between social strata shall, by law, also be prohibited and punishable.

63. Rights and freedoms may be restricted only in accordance with the Constitution. The guarantee of rights and freedoms is the duty of the legislative, executive and judicial powers, and of local governments. In addition to the Constitution the principle of equal treatment and prohibition of discrimination is clearly expressed in a number of other laws, which shall be treated in more detail under article 5 of this report.

2. Protection of national minorities

64. According to article 49 of the Estonian Constitution everyone has the right to preserve his or her national identity. Article 50 of the Constitution further stipulates that national minorities have the right, in the interests of national culture, to establish self-governing agencies under conditions and pursuant to the procedure provided by the National Minorities Cultural Autonomy Act. Article 52 (2) entitles the national minorities who form the majority of the residents in a locality to use their own language for internal communication as provided by law. Article 55 rules that citizens of foreign States and stateless persons are obliged to respect the Estonian Constitutional order, which should be understood in the sense that every person who is staying on Estonian territory has to obey the Estonian legal system, i.e. the Constitution.

65. As early as 12 February 1925 the Parliament passed the first Law on Cultural Autonomy for National Minorities, which affirmed that the Republic of Estonia respects the right of all ethnic groups to preserve their ethnic identity, culture and religious convictions. The Law on Cultural Autonomy of National Minorities was the first of its kind in the whole world and internationally recognized as a successful endeavour to protect the cultural autonomy of national minorities. In accordance with this law, Germans, Russians, Swedes and other national minority groups with more than 3,000 members residing in Estonia were granted the right to establish cultural self-government, whose field of competence was: (i) to organize, administer and monitor public and private educational institutions in their native language, (ii) to attend to the respective national minority's other cultural needs and administer institutions and enterprises established for that purpose.

66. On 12 June 1993, the new National Minorities Cultural Autonomy Act was presented to the Riigikogu and it was passed on 26 October the same year. The new Act is grounded on the same basic ideas as the 1925 Law: the acceptance of national minorities' right to preserve their ethnic identity, culture and language. At the same time, the Act gives the corresponding legal guarantees and guidelines. The Act defines as a national minority those citizens of Estonia who reside on Estonian territory, have maintained a long and lasting attachment to the country they live in, and wish to preserve their original cultural traditions, language and religion. The right to form institutions for cultural self-government can be obtained by all those national minority groups to which this right was given by the 1925 law, and by other ethnic groups of more than 3,000 persons.

3. Integration of the non-Estonian-speaking population into Estonian society

67. Pursuant to a document called "The Bases of Estonia's National Integration Policy for Integrating non-Estonians into Estonian Society", approved by the Government of the Republic

and the Riigikogu, the aim of the Estonian State is clearly to aim at the integration of non-Estonians into Estonian society and to encourage broad participation of non-Estonians in Estonian society. Also, the State of Estonia is interested in the willingness of non-Estonians who apply for Estonian citizenship to fulfil their duties as citizens equally with the Estonians.

68. Since May 1997 the Government of Estonia has taken essential political and administrative steps to integrate non-Estonians into Estonian society, as described in the following paragraphs.

69. A new post of minister without a portfolio was established (in May 1997), responsible, inter alia, for dealing with integration issues. A 17-member expert commission was set up (in June 1997) to work out a draft programme for integrating non-Estonians into Estonian society.

70. On 10 February 1998 the Government approved the integration policy suggested by the expert commission and the policy underwent deliberations in the Riigikogu and was adopted by the latter in June 1998. The expert commission referred to the Government a plan of action (framework of action) which forms the basis of the State Integration Programme, which shall remain the basis of integration-related activities until the final draft of the State Integration Programme is completed in 1999. To implement activities fostering integration EK 6 million (about US$ 430,000) were allocated from the State budget in 1998.

71. The Government established (on 31 March 1998) the Non-Estonians' Integration Foundation to develop the national integration processes.

72. The Government approved (on 20 January 1998) The Development Plan for Non-Estonian Language Schools: elaboration of a uniform Estonian education system, action plan for 1997-2007, prepared by the Ministry of Education and (on 21 April 1998) The Strategies of Teaching Estonian to non-Estonian-speaking populations, which sets the framework and aims of teaching Estonian to non-Estonians during the next decade.

73. On 27 August 1998, the Governments of Estonia, Finland, Sweden, Norway and Denmark and the United Nations Development Programme signed a treaty, whereby UNDP and the Nordic countries shall support Estonian integration processes with US$ 1,350,000. On 16 October 1998 the Estonian Government, the EU and UNDP launched the EU Phare programme for teaching Estonian, whereby the EU shall, for two and a half years, support teaching Estonian to grown-ups and adolescents with 1.46 million euros.

74. To implement activities fostering integration EK 5.6 million were allocated from the State budget in 1999.

75. The biggest integration-related projects to be launched in 1999 are connected with education and with teaching of the official language. The most important projects financed from the State budget proceed from the "Comprehensive School and Gymnasium Act" pursuant to which in 2007/08 a transformation from non-Estonian-language education to Estonian-language education in State and municipal gymnasiums will start.

76. In the implementation of its programmes the Ministry of Education cooperates with other ministries and county governments. There is a separate cooperation agreement, which regulates the cooperation with the Non-Estonians Integration Foundation. The EU Phare programme and the programmes of the Nordic countries, UNDP, Finland, Denmark, Sweden and Canada either support programmes financed from the State budget or form separate programmes that support the former.

77. In 1999, on the orders of the Ministry of Education, by way of experiment, the non-Estonian comprehensive schools shall have a final examination and gymnasiums shall have a State examination in Estonian. The activities of the teachers who have been given the status of Official Language Teacher will continue, the curriculum of the official language shall be renewed, teaching of Estonian from the first year in all non-Estonian language schools will begin, the language and professional qualifications of non-Estonian language teachers will be checked and improved (further education and language teaching).

78. The national programme of the Ministry of Education, called "Integration of Non-Estonian Youth to Estonian Society" (VERA), will be continued. In the field of international cooperation the following bigger programmes will be continued:

(a) Preparation and activities of leading teachers (together with the British Council);

(b) Development and launching of the immersion system of learning (with Canada and Finland);

(c) Increasing the coordination capability of Ida-Virumaa County, counselling the Ministry of Education, launching the system of repayments of loans for language learning (with Finland);

(d) The EU Phare programme of teaching the Estonian language to adults (supply to students of study materials and support to the fund to compensate for study fees; supply to schools of study materials for teaching Estonian, support to language learning and integration camps, supply to two pilot schools of language laboratories, intensive courses in the Estonian language for students of pedagogical specialities; awareness-raising campaign; support for the implementation of the programme);

(e) The programme of the Estonian Government, UNDP and the Nordic countries (formal education system, adult education, education of youth, cultural exchange and identity, regional development of Ida-Virumaa County, enhancing the work of the establishments involved in integration activities, informing the mass media and the public, project management, supervision and assessment and reports).

79. It has been planned to establish in 1999 posts of integration officials at the local branches of the Citizenship and Immigration Board, who shall be responsible especially for supplying information concerning integration: the legislation, possibilities for language learning, programmes, funds, foundations, etc. The establishment of the first such post (pilot project financed by the International Organization for Migration) in the Narva office of the Citizenship and Migration Board will be accomplished in the middle of 1999. Also, the creation of a

framework for cooperation between regional information centres and integration centres, financed from the State budget, is planned for 1999. It is essential to accomplish the staffing of the integration and migration department of the Citizenship and Migration Board in 1999.

80. 1999 will witness the building up of the national monitoring system of integration activities. The publishing and distribution of integration-related information will continue.

B. Article 3

81. As already stated in article 2, the basic human rights and freedoms form chapter II of the Estonian Constitution. The direct aim of article 12 of the Constitution is prohibition of discrimination on any grounds and it establishes that everyone is equal before the law and that no one shall be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or on other grounds. The incitement of national, racial, religious or political hatred, violence or discrimination shall, by law, be prohibited and punishable. The incitement of hatred, violence or discrimination between social strata shall, by law, also be prohibited and punishable.

82. Acts motivated by racism or racial discrimination are punishable under the provisions of the Criminal Code. Punishments for the above-mentioned offences are provided in the first chapter (crimes against humanity and war crimes, sect. 61^1) of the special part of the Criminal Code (RT 1992, 20, 287 and 288, RT I 1997, 21/22, 353; 28, 423; 30, 472, 34, 535; 51, 824; 52, 833 and 834; 81, 1361; 86, 1461; 87, 1466-1468; 1998, 2, 42; 4, 62; 17, 265; 30, 412; 36/37, 552 and 553; 51, 756 and 759; 59, 941; 98/99, 1576; 107, 1766). The second chapter establishes punishments for crimes against the State in sections 72 and 72^1, and chapter 11 for crimes against public order and public safety in section 198^1 (see also art. 4 below).

83. Since 1993, the special part of the Criminal Code contains section 72, which provides for liability for the incitement of national, racial, religious or political hatred, violence or discrimination, and these activities are punished by a fine or arrest or deprivation of liberty for up to one year (subsect. 1). For the same activities, if they cause the death or injury of a person or any other grave consequence, the punishment will be deprivation of liberty for up to three years (subsect. 2).

84. Under section 72^1 of the Criminal Code, it is also possible to hold someone criminally liable for and to punish by a fine or arrest violations of the principle of equality, that is direct or indirect restriction of an individual's rights or establishing direct or indirect preferences for an individual on the basis of his or her nationality, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or on other grounds.

85. On 9 November 1994 the Criminal Liability of Persons Who Have Perpetrated Crimes Against Humanity or War Crimes in Estonia Act was adopted (RT I 1994, 83, 1447). Pursuant to section 1 of the Act the criminal liability of persons who have perpetrated crimes against humanity or war crimes in Estonia was established and pertinent amendments were made to the legislation of the Republic of Estonia. Pursuant to section 2 the notion of crimes against humanity was introduced in the Criminal Code and criminal liability was established for the murder of a member of a racial group or for inflicting serious or grave injury or causing mental

disorder or torturing a member of a racial group, for forceful taking away of children and for armed assault, also, deprivation of liberty from 8 to 15 years or life was established in the case where the aim of the act was to eliminate a racial group totally or partially.

86. In addition to the legislative, judicial and administrative measures, a non-judicial International Commission for Research into Crimes Against Humanity has been formed, which will present the results of its research to the President of the Republic and to the Prime Minister of Estonia. It is the task of the Research Commission to clarify the crimes perpetrated against humanity by the Nazi and Soviet occupation authorities in Estonia in 1939-1991. Public figures from Estonia and abroad have been invited to participate in the work of the Commission along with representatives of non-governmental organizations, including the American Jewish Committee which was represented at the opening meeting on 13 May 1998 by the Director of the European Relations, Rabbi Andrew Baker, and the Chairman of the Commission of International Relations of the Committee, Mr. Nicholas Lane. The press release of the Office of the President, dated 13 May 1998, states that "each citizen of the Republic of Estonia who lives in Estonia and will be proved to be guilty of the crimes perpetrated against humanity by the Nazi occupation authorities against the Jewish people or other peoples, or who will be proved guilty of the crimes perpetrated against humanity by the Soviet occupation authorities against Estonians and other peoples, will be brought to trial in the court and has to undergo judicial punishment". It goes on to say that the Commission "is not aware of any Nazi criminals living in freedom in Estonia at the moment, but ... will investigate any evidence that will be presented ...".

C. Article 4

87. As stated above, acts motivated by racism or racial discrimination are punishable under the provisions of the Criminal Code. Subsection 1 of section 61[1] of the Criminal Code - crimes against humanity - establishes punishment by deprivation of liberty from 8 to 15 years or life for perpetrating crimes against humanity, including genocide, as these are determined by the rules of international law, including wilful acts which aim at totally or partially eliminating national, ethnic, racial, religious, resistance to an occupation regime or any other social group, for killing a member of such a group or for inflicting a serious or grave injury or causing mental disorders to or torturing a member of such group, for forceful taking away of children, armed assault against, for deportation of and for deprivation or restriction of the economic, political and social human rights of native inhabitants during occupation or annexation. Subsection 2 of the same paragraph provides that a representative of the authorities on whose consent an offence referred to in subsection 1 was perpetrated, shall be held liable for the crime as an accomplice.

88. Sections 72 and 72[1] of the Code, as indicated in paragraph 83 above, also applies.

89. The notion of racial discrimination is connected to the principle of equal treatment, which shall be treated in more detail under the title concerning the implementation of article 5 of the Convention, which obligates all States parties to guarantee everyone equality before the law.

90. For the wilful destruction, damaging or hiding of documents reflecting crimes against humanity or war crimes, section 198[1] of the Criminal Code provides, as a punishment, an arrest or deprivation of liberty for up to three years, or for up to five years if the same act was committed by a person in his or her official capacity.

91. Thus, the Criminal Code establishes punishments for dissemination of ideas based on the superiority of one race or racial hatred, for racial discrimination by individuals, organizations, as well as national or local authorities or institutions.

92. On the basis of sections 72 and 72[1] of the Criminal Code, the Security Police (KAPO) has initiated the following criminal cases:*

Year	No. of prosecutions by KAPO	No. of cases tried by courts
1993	2	1
1994	2	1
1995	-	-
1996	3	-
1997	-	-
1998	6	1

* All cases initiated on the basis of subsection 1 of section 72.

D. Article 5

1. Right to equal treatment before the tribunals and all other organs administering justice

93. Article 15 (1) of the Constitution establishes the right of everyone of recourse to the courts: "Everyone whose rights and freedoms are violated has the right of recourse to the courts." Furthermore, everyone has the right to compensation for moral and material damage caused by the unlawful action of any person (art. 25 of the Constitution).

94. Subsection 1 of section 4 of the Courts Act (RT I 1991, 38, 472) provides: "Citizens shall have the right to protection by the courts if their life, health, personal liberty, property, honour and dignity or other rights and liberties, which are guaranteed by the Constitution, are violated. Justice shall be administered on the principle of the equality of citizens before the law and the courts." Pursuant to subsection 2 of the same section, citizens of foreign States and stateless persons shall have the right to protection by the courts equal to that of Estonian citizens on the territory of the Republic of Estonia, if not otherwise prescribed in the Republic of Estonia's international treaties.

95. Pursuant to article 15 (1) of the Constitution, everyone has the right, while his or her case is before the court, to petition for any relevant law, other legislation or procedure to be declared unconstitutional. Pursuant to section 12 of the Legal Chancellor Activities Organization Act (RT I 1993, 25, 436), every person has the right to file a petition with the Legal Chancellor to review the conformity of an act or other legislation of general application with the Constitution or the law.

96. Anyone who finds that the acts or procedures of institutions, agencies or officials referred to in subsection 1 of section 4 of the Administrative Court Procedure Code (RT I 1993, 50, 694) violate his or her rights or restrict his or her freedoms, has the right of recourse to the courts for his or her protection (sect. 5, subsect. 1).

97. Pursuant to subsection 1 of section 4 of the Civil Procedure Code (RT I 1998, 43, 666), everyone has the right, pursuant to procedure provided by law, to recourse to the courts for the protection of his or her rights or freedoms which have been violated. In all civil cases all persons are equal before the law and the courts, and as a rule all cases are examined in public (sect. 6 and sect. 8, subsects. 1 and 3).

98. Pursuant to section 13 of the Criminal Procedure Code (RT I 1995, 6, 69), justice is administered in criminal cases on the principle that all persons are equal before the law and the courts irrespective of their origin, social or property status, racial or national origin, sex, education, language, attitude towards religion, sphere and mode of activity, place of residence or other grounds (see also art. 6 below).

2. The right to security of person and protection by the State against violence or bodily harm

99. Pursuant to article 13 of the Constitution, everyone has the right to the protection of the State and the law. The Estonian State shall also protect its citizens in foreign countries.

100. Article 20 of the Constitution establishes everyone's right to liberty and security of person. The Criminal Code, which characterizes violence against persons as a criminal offence, establishes the possibility for the State to exercise coercive power. Chapter 4 of the Criminal Code (RT I 1997, 21, 353) establishes sanctions for crimes against persons. This chapter establishes punishments for various acts of violence, for inflicting bodily harm and for other assaults against the security of the person. Depending on the gravity of the act, these acts may be punished by a fine or deprivation of liberty.

101. Article 16 of the Constitution stipulates that everyone has the right to life. This right shall be protected by law. The life of every person is protected in accordance with the sanctions of the Criminal Code applicable in cases of murder. Murder is punished by deprivation of liberty from 5 to 12 years. Aggravating elements, inter alia, are murder of a pregnant woman, an aged person or a child, and murder of a person who was on duty or fulfilling a social obligation. The latter provision is meant to ensure the security of persons engaged in the protection of the legal order. The penalty for the commission of the latter acts is deprivation of liberty from 8 to 15 years.

102. The right to life is protected even before a person's birth, beginning with the twelfth week of life of the embryo. Abortion is allowed up to the eleventh week of pregnancy, and up to the twenty-first week of pregnancy only on certain medical indications, such as threat to the health of the pregnant woman, serious impairment of mental or bodily health of the child to be born, or if the pregnant woman is under 15 or over 45 years of age. Abortion is allowed only if the pregnant woman so wishes.

103. In Estonia, murder or inflicting bodily harm is not allowed even with the consent of the injured person or if he or she so wishes. Euthanasia is equal to murder or to assistance to

murder. So far there have been no precedents in the Supreme Court concerning punishments for euthanasia. In recent years, discussion among lawyers concerning the medical law has increased and arguments for legalizing euthanasia in certain circumstances have been put forward, but so far the issue has not been legally regulated.

104. Pursuant to the presently valid version of the Estonian Criminal Code the most severe punishment is life imprisonment.

105. Estonia ratified Protocol No. 6 to the European Convention on Human Rights (RT 2 1996, 11, 34) on 18 March 1998. On 13 May 1998 the amendments to the Criminal Code and the Execution Proceedings Code were adopted (RT I 1993, 49, 693), by which the provisions pertaining to the death penalty were abolished. The last enforcement of the death penalty took place on 11 September 1991.

106. The provisions of the Criminal Procedure Code and the Criminal Code provide rules for applying sanctions for violations of article 18 of the Constitution, which establishes that no one shall be subjected to torture or to cruel or degrading treatment or punishment.

107. Presently, a new Penal Code is being drafted with the aim of consolidating both criminal offences and administrative infringements within a single legislative act. One of the objectives of this code is to offer a better overview of punishable acts. In the drafting process of the new Code European experts in public law have been consulted and the requirements of the United Nations conventions and the European Union directives have been observed.

108. The Surveillance Act establishes rules to be observed while carrying out surveillance operations and collecting data about persons. The review of lawfulness of such activities is an essential guarantee that the security of persons against the arbitrary actions of the State will be ensured. Section 17 of the Surveillance Act (RT I 1994, 16, 290) provides that an Estonian citizen has the right of access to the personal data concerning him or her stored at the surveillance agencies and in their archives. Thus, citizens of foreign countries and stateless persons cannot directly exercise this right.

3. The right to participate in elections on the basis of universal and equal suffrage

109. The Constitution of the Republic of Estonia guarantees the right to free elections in articles 56-58. Article 56 establishes that the supreme power of the State shall be exercised by the people through elections to the Riigikogu and through a referendum. Article 57 provides the criteria for the exercise of the right to vote: an Estonian citizen who has attained 18 years of age has the right to vote.

110. Section 5 of the Referendum Act (RT I 1994, 41, 659) establishes the right to vote: an Estonian citizen who has attained 18 years of age by the referendum date may participate in a referendum.

(a) Elections to the Riigikogu

111. Article 60 of the Constitution establishes that members of the Riigikogu shall be elected in free elections on the principle of proportionality. Elections shall be general, uniform and direct. Voting shall be secret. Every Estonian citizen who has attained 21 years of age and has the right to vote may be a candidate for the Riigikogu.

112. Section 1 of the Riigikogu Election Act (RT I 1994, 47, 784) establishes the bases of the election system: members of the Riigikogu shall be elected in free elections on the basis of a general, uniform and direct right to vote, by secret ballot.

113. Section 1 of the Political Parties Act gives the definition of a political party: a political party is a voluntary political association of Estonian citizens which is registered pursuant to the procedure provided for in the Act, and the objective of which is to express the political interests of its members and supporters and to exercise State and local government authority.

(b) Elections to local government councils

114. Pursuant to article 156 of the Constitution, the representative body of local government is the council which shall be elected in free elections for a term of three years. The elections shall be general, uniform and direct. Voting shall be secret. In elections to local government councils, persons who reside permanently in the territory of the local government and have attained 18 years of age have the right to vote, under conditions prescribed by law.

115. Section 1 of the Local Government Council Election Act (RT I 1996, 37, 739), which establishes the bases of the election system, reads: "Members of local government councils shall be elected in free elections on the basis of a general, uniform and direct right to vote, by secret ballot." Section 3 provides the definition of the general right to vote for the purposes of this Act, providing that: "An Estonian citizen who has attained 18 years of age by election day, resides permanently in the territory of the local government and is entered in the Estonian National Electoral Register of Citizens in the rural municipality or city has the right to vote."

116. An alien legally residing in Estonia who has attained 18 years of age by election day, has resided permanently in the territory of the corresponding local government for at least five years by 1 January of the election year and is entered in the Estonian National Electoral Register of Aliens in the rural municipality or city, also has the right to vote. An alien residing permanently in the territory of the local government is a person who is in Estonia on the basis of a residence permit and resides in the territory of the local government for at least 183 days annually, whereas his or her absence therefrom shall not exceed 90 consecutive days.

117. The Act gives every Estonian citizen with the right to vote who has attained 18 years of age, resides permanently in the territory of the local government on 1 June of the election year at the latest, or the day the additional elections or elections due to the merger of local government units are declared, is entered in the Estonian National Electoral Register of Citizens in the rural municipality or city, has taken the oath pursuant to the procedure prescribed by law and is

proficient in Estonian pursuant to the level provided for in the Language Act (RT I 1995, 23, 334) has the right to run as a candidate for the local government council. Restrictions on running as a candidate for a local government council are placed on persons who are serving a sentence for a deliberate criminal offence. The passive right to vote has been restricted in the case of persons who have been convicted by a court and are serving a sentence in a penal institution.

118. The uniform right to vote has been established in section 5 of the Local Government Council Election Act as follows: "Every Estonian citizen with the right to vote and every alien legally in Estonia with the right to vote (hereinafter elector) shall have one vote in local government council elections." Section 20 of the Act provides for separate national electoral registers for Estonian citizens with the right to vote and aliens legally residing in Estonia with the right to vote.

119. With its regulation No. 180, dated 25 June 1996 (RT I 1996, 47, 921) the Government of the Republic, on the basis of the Local Government Council Election Act and the Riigikogu Election Act, approved "The Charter of the Estonian National Electoral Register of Citizens" and "The Charter of the Estonian National Electoral Register of Aliens", which shall register data about the aliens who meet the requirements set in subsections 2 and 5 of section 3 of the Local Government Council Election Act, that is aliens legally residing in Estonia who have attained 18 years of age by election day, have resided permanently in the territory of the corresponding local government for at least five years by 1 January of the election year and are entered in the Estonian National Electoral Register of Aliens in the corresponding rural municipality or city.

120. Pursuant to the Criminal Code, it is a crime to hinder the exercise of suffrage or the right to vote. Section 131 of the Code states: "The hindrance by violence, deception or threat or in any other way of an elector's or a voter's free exercise of the right to elect or be elected the President of the Republic, member of the Riigikogu or member of the local government council, or of the right to vote at a referendum held pursuant to the laws of the Republic of Estonia or to carry out pre-election or pre-referendum propaganda, as well as purchasing of the vote of an elector or a voter shall be punished by a fine or arrest or deprivation of liberty for up to one year."

121. Pursuant to section 132 of the Criminal Code the forging of any election or voting document or result and the violation of the secrecy of voting are punishable. Specifically, the provision establishes that the forging of election or voting documents or results of, intentionally wrong counting of votes and violations of the secrecy of ballot at the election of the President of the Republic, elections to the Riigikogu or local government councils or at a referendum held pursuant to the laws of the Republic of Estonia shall be punished by fine or by deprivation of the right to work in a particular office or to operate in a particular sphere of activity or by deprivation of liberty for up to one year. Also, pursuant to section 181 of the Administrative Infringements Code (RT 1992, 29, 396) the violation of the provisions of the President of the Republic Election Act, the Riigikogu Election Act and the Local Government Council Election Act is an infringement of the administrative law and punishable by a fine amounting to 10 days' wages.

(c) Statistics

122. There were 30 political parties registered at the time of the latest elections to the Riigikogu. Two of them have declared to the public that they mostly represent the interests of people living in Estonia who are Russian speakers and not ethnic Estonians.

123. Article 60, section 1, of the Estonian Constitution provides that the Riigikogu has 101 members. Members of the Riigikogu are elected in free elections on the principle of proportionality. Elections are general, uniform and direct; voting is secret. Article 9, section 5 of the Riigikogu Election Act of 1994 stipulates, inter alia, that mandates are distributed between electoral districts proportionally to the number of citizens with the right to vote. Thus, ethnic minorities are not entitled to reserved seats in the Riigikogu.

124. The latest elections to the Riigikogu were held on 5 March 1995. According to the information provided by the National Election Committee, 7 electoral coalitions, 9 political parties and 12 independent candidates participated in the elections (there were 1,256 candidates altogether). The two parties mentioned in paragraph 122 above formed an electoral coalition called "Our Home is Estonia!" This coalition gained 31,763 votes (5.87 per cent) of the total of 545,770 cast (there were 766,626 citizens with the right to vote altogether at that time), which result guaranteed the coalition six seats in the Riigikogu.

4. The right to equal access to public service

125. Article 30 of the Constitution stipulates that offices in State agencies and local governments shall be filled by Estonian citizens, on the basis of and pursuant to procedures established by law. These offices may, as an exception, be filled by citizens of foreign States or stateless persons, in accordance with the law.

126. Pursuant to section 14 of the Public Service Act, which sets forth the conditions for employment, an Estonian citizen who has attained 21 years of age, has at least a secondary education, has legal competence and is proficient in Estonian to the extent established by or pursuant to law may be employed in the Service as a State official. Section 15 stipulates that an Estonian citizen who has attained 18 years of age, has at least a secondary education, has legal competence and is proficient in Estonian to the extent established by or pursuant to law may be employed in the Service as a local government official.

127. The following persons shall not be employed in the service: (a) persons under punishment for an intentionally committed criminal offence; (b) persons under preliminary investigation for or persons accused of a criminal offence for which the law prescribes imprisonment; (c) persons deprived of the right to work in a particular office or to operate in a particular area of activity by a court order which has entered into force, in such office or area of activity; (d) persons closely related by blood (parents, brothers, sisters, children) or by marriage (spouse, spouse's parents, brothers, sisters, children) to an official or the immediate superior who has direct control over the corresponding office.

128. Different requirements for employment in the service shall be established by law (subsect. 1 of sect. 17). Supplementary requirements for employment in the Service shall be established by or pursuant to law. The head of an administrative agency or a person or administrative agency superior to him or her may establish supplementary qualification requirements (subsect. 2 of sect. 17).

1[illegible] ...sition among the 10 highest salary categories within the civil service must be ...an open competition. Other positions may also be filled through open ...probationary period of up to six months may be applied to any civil servant. ... may be dismissed after an unsuccessful probationary period. No statistics as ...rigin of the officials has been collected.

5. Other civil rights

(a) The right to freedom of movement and residence within the borders of the State

130. Article 34 of the Constitution provides that everyone who is legally in Estonia has the right to freedom of movement and to choice of residence. The right to freedom of movement may be restricted in the cases and pursuant to procedures provided by law to protect the rights and freedoms of others, in the interests of national defence, in the case of a natural disaster or a catastrophe, to prevent the spread of an infectious disease, to protect the natural environment, to prevent the leaving of a minor or a person of unsound mind without supervision, or to ensure the administration of a criminal proceeding.

131. The following is a brief overview of the Acts, pursuant to which it is possible to restrict a person's right to freedom of movement. According to the Criminal Code, the rights of the convicted may be restricted or the convicted may be deprived of his or her rights by a court procedure. The courts may, as a principal punishment, apply also an arrest or deprivation of liberty. The convict may be sentenced to deprivation of liberty from 3 months to 15 years or for life. In the case of aggregation of fixed-term punishments constituting deprivation of liberty, the court may pronounce a final punishment of fixed-term imprisonment for up to 30 years (subsect. 1 of sect. 23 of the Criminal Code). The term of imprisonment of a person who was under 18 years of age when the crime was perpetrated may not exceed two years (subsect. 2 of sect. 23 of the Criminal Code).

132. The right to freedom of movement may also be restricted to ensure the administering of a criminal proceeding. If there are adequate grounds to suspect that a defendant or an accused left at liberty will avoid the investigation or the court, hinder the ascertaining of the truth in a criminal proceeding or continue to perpetrate crimes, and to guarantee the enforcement of the sentence, he or she may be arrested (subsect. 1 (1) of sect. 66 of the Criminal Procedure Code). In exceptional cases a restraint may be applied before the charges are brought to a person who is suspected of having committed a crime (subsect. 1 of sect. 67 of the Criminal Procedure Code). If the suspect has been so detained and the charges are not brought within 10 days from the application of the detention, the judge of a county or city court is entitled to extend the restraint up to 30 working days. If the charges are not brought by that time, the suspect is to be released from detention (subsect. 2 of sect. 67 of the Criminal Procedure Code).

133. Pursuant to the Wartime National Defence Act, the Government of the Republic or the Commander-in-Chief of the Defence Forces in wartime may, from the declaration of a state of war until the termination of the state of war, restrict the right to freedom of movement and choice of residence in the interests of national security and public order. The Wartime National Defence Act does not differentiate between aliens and nationals.

134. A person's right to move freely is also restricted under the Natural Objects Protection Act (RT I 1998, 36, 555). Pursuant to the Act, in different parts of protected areas (protected area zones) which have different protection procedures, the restrictions on the movement of persons are different. The types of protected area zones are: natural reserve, protected zone intended for a specific purpose, restricted zone, and general zone of a programme area. Persons are prohibited from staying in the natural reserves except for monitoring, scientific and rescue work. Unless otherwise established by protection rules, persons are also prohibited from staying in protected zones intended for a specific purpose, such as habitats of protected species or assembly places of migratory birds; motor vehicles, bicycles and vessels are also prohibited, as is camping and organizing popular events. In a restricted zone, if not provided otherwise by protection rules, fishing and hunting, and motor vehicles, bikes and vessels are also prohibited. None of the said Acts discriminates between nationals and aliens.

135. The right to free movement may also be restricted on the basis of the Mental Health Act (RT I 1997, 16, 260). A person may be admitted to the psychiatric department of a hospital for emergency psychiatric care without the consent of the person or his or her legal representative, or the treatment of a person is continued regardless of his or her wishes only if all of the following circumstances exist: the person has a severe mental disorder which restricts his or her ability to understand or control his or her behaviour; without in-patient treatment, the person endangers the life, health or safety of himself or herself or others due to a mental disorder; and other psychiatric care is not sufficient (subsect. 1 of sect. 11). Persons who are in treatment in the previously described circumstances may not discontinue assessment or treatment or leave the psychiatric department of the hospital (subsect. 3 of sect. 11). A person may be kept in involuntary treatment on the decision of two psychiatrists for up to 14 days. Involuntary treatment may continue for more than 14 days only with the authorization of an administrative judge, on the basis of a written application of the chief doctor of the hospital. On the first occasion, an administrative court judge may grant authorization for involuntary treatment of a person for up to 30 days as of the date of receipt of the application by the court. On subsequent occasions, an administrative court judge may extend the authorization for involuntary treatment for up to 90 days as of the day following the end of the previous period. The Mental Health Act makes no distinction between nationals and aliens.

136. The Aliens Act (RT I 1993, 44, 637) establishes that the annual immigration quota shall not exceed 0.05 per cent of the permanent population of Estonia. The immigration quota shall not apply to Estonians and the citizens of the European Union, Norway, Iceland and Switzerland.

137. Aliens whose visa or residence permit has expired or is revoked shall be ordered to leave Estonia by the State Citizenship and Immigration Board. Aliens who have illegally entered or are illegally staying in Estonia are expelled. An order to leave or a decision for expulsion from Estonia may be contested in court.

(b) The right to leave any country, including one's own, and to return to one's country

138. Pursuant to article 35 of the Constitution, "Everyone has the right to leave Estonia. This right may be restricted in the cases and pursuant to procedure provided by law to ensure the administration of court or pre-trial procedure, or to execute a court judgement." Article 36 of the Constitution regulates the expulsion from and settling in Estonia of Estonian citizens: "No Estonian citizen shall be expelled from Estonia or prevented from settling in Estonia. No Estonian citizen shall be extradited to a foreign State, except under conditions prescribed by an international treaty and pursuant to procedure provided by such treaty and by law. Extradition shall be decided by the Government of the Republic. Everyone who is under an extradition order has the right to contest the extradition in an Estonian court. Every Estonian has the right to settle in Estonia."

139. All aliens entering and staying in Estonia must hold a valid passport or equivalent document. An alien staying in Estonia is issued an alien's passport, which from the international law perspective is a travel document with two main functions, namely (a) it is an identification document, and (b) it is proof that the State that has issued the passport is under an obligation to take the person back from abroad.

140. Pursuant to section 12 of "The Issue of an Alien's Passport Conditions and Procedure", approved by regulation No. 16 of the Government of the Republic (RT I 1996, 5, 100), an alien's passport may be issued to:

(a) An alien who has been declared a stateless person, if he or she is entitled to a residence permit and he or she has no valid travel document;

(b) An alien who is a citizen of another country, if he or she his entitled to a residence permit and he or she has no possibility to obtain the passport of his or her country of citizenship;

(c) An alien who is staying in Estonia on the basis of permanent address registration in the former Estonian SSR and who is entitled to a residence permit in Estonia, if he or she has no valid passport or equivalent document;

(d) An alien who holds a residence permit, and has no valid passport or equivalent document;

(e) A child under the age of 15, whose parent has obtained Estonian citizenship by way of naturalization, if the child is not an Estonian citizen and is not a citizen of any other country, if the minor is entitled to a residence permit in Estonia and he or she has no valid passport or equivalent document.

141. Section 3 of the same regulation establishes that the holder of an alien's passport is entitled to stay in, leave and return to Estonia within the period of the term of the residence permit, entered into the passport. The personal data to be entered into the passport, prescribed in section 8 of the regulation, are adequate for the passport to function as an identification document. Thus, the alien's passport of the Republic of Estonia meets all the international requirements set for travel documents.

142. Other countries must recognize only the passports that a recognized State issues to its citizens. Thus, the possibility of persons who hold the alien's passport of the Republic of Estonia to enter other countries does not depend on the decision of the Republic of Estonia, but instead on the decision of the country concerned. Countries which have officially announced that they recognize Estonia's alien's passport are: Austria, Belgium, Denmark, Finland, Germany, Ireland, Israel, Jamaica, Japan, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Spain, Sweden, Switzerland, the Russian Federation, United Kingdom, United States of America. Many other States accept the alien's passport in practice.

143. The following reflects the number of persons who have settled in or left Estonia:

Emigration and immigration of population									
	Registered immigrants in Estonia			Registered emigrants from Estonia			Migration balance		
	Total	To towns	To the country	Total	From towns	From the country	Total	In towns	In the country
1989	12 498	10 671	1 827	12 326	10 441	1 885	172	230	-58
1990	8 381	7 005	1 376	12 403	10 270	2 133	-4 022	-3 265	-757
1991	5 203	4 596	607	13 237	11 066	2 171	-8 034	- 6 470	-1 564
1992	3 548	3 106	442	37 375	32 562	4 813	-33 827	-29 456	-4 371
1993	2 390	2 029	361	16 169	14 091	2 078	-13 779	-12 062	-1 717
1994	1 575	1 335	240	9 206	8 174	1 032	-7 631	-6 839	-792
1995	1 616	1 361	255	9 786	8 457	1 329	-8 170	-7 096	-1 074
1996	1 552	1 261	291	7 235	6 396	839	-5 683	-5 135	-548
1997	1 585	1 310	275	4 081	3 684	397	-2 496	-2 374	-122

(c) The right to nationality

144. Article 8 of the Constitution establishes: "Every child one of whose parents is an Estonian citizen has the right to Estonian citizenship by birth. Everyone who has lost his or her Estonian citizenship as a minor has the right to its restoration. No one shall be deprived of Estonian citizenship acquired by birth. No one shall be deprived of Estonian citizenship because of his or her beliefs. The conditions and procedures for the acquisition, loss and restoration of Estonian citizenship shall be provided by the Citizenship Act."

(i) History of Estonia's citizenship policy

145. Estonian citizenship was established during 1918-1920. All persons, including Russians, Germans and Estonian Swedes, who were living in Estonia in 1922 when the first Citizenship Act was adopted, were given Estonian citizenship. On the basis of the 1938 Citizenship Act, Estonian citizens were persons who, on the day the Act was adopted, had Estonian citizenship or who acquired the citizenship by birth or by a subsequent legal procedure. The 1938 Citizenship Act observed the ius sanguinis principle. After Estonia was occupied by the USSR in 1940, it was impossible to apply the 1938 Citizenship Act.

146. After the Republic of Estonia was restored in 1991, Estonian citizenship was restored as well. On 26 February 1992 the Supreme Soviet of the Republic of Estonia adopted a resolution concerning the implementation of the 1938 Citizenship Act (RT 1992, 7, 109). In 1992 the

Estonian citizenry was formed of those persons who had had Estonian citizenship on 16 June 1940 and their descendants. The decision to implement the 1938 Citizenship Act opened up the possibility to obtain Estonian citizenship by way of naturalization.

(ii) Presently valid Citizenship Act

147. On 1 April 1995 the new Citizenship Act (RT I 1995, 12, 122) entered into force and pursuant to the Act the following are Estonian citizens: persons who had Estonian citizenship on the day the Act entered into force, persons who acquire Estonian citizenship by birth, pursuant to law, persons who acquire the citizenship by way of naturalization or restore their citizenship if they have lost it as a minor.

148. One of the purposes of the Citizenship Act is to enable persons who command Estonian, have knowledge of the Estonian Constitution and waive the citizenship of other countries to become Estonian citizens. The Citizenship Act provides for the possibility to deprive of Estonian citizenship those persons who have acquired it by way of naturalization and who have, for example, violated the constitutional order of Estonia or submitted false data or forged documents upon application for citizenship.

149. Section 5 of the Citizenship Act provides for the acquisition of citizenship by birth. The following shall acquire Estonian citizenship by birth:

(a) A child, at least one of whose parents was, at the time of his or her birth, an Estonian citizen;

(b) A child born after the death of his or her father, who was an Estonian citizen at the time of death;

(c) A child found in Estonia, whose parents are not known, shall be recognized as having acquired Estonian citizenship by birth by a court on the application by a guardian or guardian authority, unless it is proved that the child has the citizenship of some other country.

150. An alien who wishes to acquire Estonian citizenship must have attained the age of at least 15 years, must have permanently resided in Estonia, under a permanent residence permit, for at least five years prior to, and one year after the date of application for Estonian citizenship; must have a command of the Estonian language in accordance with the requirements established by law; must know the Constitution of the Republic of Estonia and the Citizenship Act; must have a legal and permanent income, sufficient to guarantee his or her own and his or her dependants' survival; must be loyal to the Estonian State and must swear the following oath: "Applying for Estonian citizenship I swear to be faithful to Estonian constitutional order".

151. On 8 December 1998 the Riigikogu adopted the Amendment Act to the Citizenship Act (RT I 1998, 111, 1827), which is aimed at enabling those minors who were born after 26 February 1992 and have the citizenship of no other country, to acquire Estonian citizenship by way of simplified naturalization (on the application of their parents). The right to apply for citizenship is given to the parents of the child, a single parent or an adoptive parent who, by the

day of application, has lived in Estonia for at least five years, has the citizenship of no other country, who was a citizen of the USSR before 20 August 1991 and who has subsequently not acquired any other citizenship.

152. Aliens who settled in Estonia before 1 July 1990 and were staying in Estonia on the basis of permanent address registration in the former Estonian SSR, are exempt from the residence requirement. In order to apply for Estonian citizenship the said aliens have to observe the requirements set forth in the Aliens Act. Children under the age of 15 shall acquire Estonian citizenship together with their parents, if the latter so request.

153. Dual citizenship is prohibited in Estonia: an Estonian citizen may not simultaneously be a citizen of another country. A person who, in addition to Estonian citizenship, acquires some other citizenship by birth, has to waive either Estonian or some other citizenship within three years after he or she attains the age of 18.

154. Estonian citizenship is lost by: exemption from Estonian citizenship, decided on by the Government of the Republic; deprivation of Estonian citizenship; acquiring the citizenship of another country. The following persons may be deprived of Estonian citizenship by an order of the Government of the Republic:

(a) A person who has, in the capacity of an Estonian citizen, without the consent of the Government of the Republic, entered into the public or military service of a foreign country;

(b) A person who has entered into the intelligence or security service of a foreign country or into foreign organizations which possess weapons, are militarily organized or perform military exercises;

(c) A person who has tried to change the Estonian constitutional order by force;

(d) A person who has acquired or restored his or her Estonian citizenship on the basis of deliberately submitted false data or as a result of deliberately concealing circumstances that exclude the acquisition of Estonian citizenship;

(e) A person who has the citizenship of another country and has not been exempted from Estonian citizenship.

155. A person is regarded as having lost Estonian citizenship by receiving the citizenship of another country and by waiving Estonian citizenship in favour of the citizenship of another country.

(iii) Statistics

156. According to the preliminary assessment of the Statistical Office, the population on 1 January 1999 was 1,445,100 (on 1 January 1998 it was 1,453,800). On the basis of preliminary conclusions drawn from the number of births and deaths registered during 1998 and

the number of persons registered by local governments who settled in Estonia and left Estonia during the same year, the population of Estonia decreased in 1998 by approximately 9,000 people.

157. From 1990 to 1998 a total of 113,000 people left Estonia, the majority of whom were born abroad. The exact number of emigrants is not possible to establish, due to the assumption that not every person who has permanently left Estonia has officially notified the authorities of the fact.

158. It is estimated that approximately 1.1 million permanent residents of Estonia are Estonian citizens by birth.

159. As of 15 December 1998, the number of passports issued to citizens of the Republic of Estonia was 1,088,514, including renewed passports and children's passports. At the same date the number of persons who had acquired Estonian citizenship by way of naturalization was 105,032.

160. From 1995 until 15 December 1998 a total of 8,553 people had taken the examination of the Estonian language required for the acquisition of Estonian citizenship, and 81.1 per cent of them passed the exam. The number of people taking the examination on the knowledge of legislation necessary for the acquisition of citizenship was 9,331 and 91.3 per cent of them passed.

161. On 15 December 1998 the number of valid residence permits in Estonia was 326,589 including 18,600 permanent residence permits and 307,989 fixed-term residence permits. On that date 4,473 persons were registered as illegally residing in Estonia.

162. As of 23 December 1998 a total of 24 persons had applied for refugee status in Estonia (one from Armenia, 15 from Iraq, two from Pakistan, three from Algeria, three from Nigeria). The Government of the Republic refused to grant asylum to three Nigerians, one Algerian and one Armenian (who has lodged an appeal). The decisions on two Pakistanis, two Algerians and 15 Iraqis are pending.

(d) Right to marry and choice of spouse

163. It is stated in article 27 of the Constitution that the family, being fundamental to the preservation and growth of the nation and as the basis of society, shall be protected by the State, and that spouses have equal rights.

164. The procedure for and restrictions on the contracting of marriage are established in the Family Law Act (RT I 1994, 75, 1326). Pursuant to this Act only monogamy and marriages between persons of the opposite sex are allowed. Persons who have attained 18 years of age may marry. A minor between 15 and 18 years of age may marry with the written consent of his or her parents or guardian. If a child has one parent or the other parent is declared to be missing or without active legal capacity or if one parent is deprived of parental rights, the consent of one parent is sufficient for the minor between 15 and 18 years of age to marry.

165. If even one of the parents or a guardian does not consent to the marriage, a court may grant permission to marry on the application of one parent or the supervisory guardian. A marriage may not be contracted:

(a) Between persons of whom at least one is already married;

(b) Between direct ascendants and descendants, brothers and sisters, half-brothers and half-sisters, adoptive parents and adopted children, or between children adopted by the same person;

(c) Between persons of whom at least one is declared to be without active legal capacity.

166. A marriage is contracted on the mutual desire of the prospective spouses, which has to be expressed in a written form. There are no restrictions as to the national origin or citizenship of the prospective spouses.

167. A registry office may grant a divorce upon agreement of the spouses on the basis of a joint written petition, or on the basis of the petition of one spouse if the other spouse is declared to be missing or without active legal capacity. A court grants a divorce at the request of a spouse if the court ascertains that continuation of the marriage is impossible.

168. There are no statistics on the basis of different nationalities. The general statistics concerning marriages are the following:

Year	Marriages	Divorces
1986	13 000	6 039
1987	13 434	6 128
1988	12 973	5 924
1989	12 644	5 916
1990	11 774	5 785
1991	10 292	5 738
1992	8 878	6 651
1993	7 745	5 757
1994	7 378	5 606
1995	7 006	7 456
1996	5 517	5 657
1997	5 589	5 281

(e) The right to own property alone as well as in association with others

169. Pursuant to article 32 of the Constitution the property of every person is inviolable and equally protected. The classification of ownership and the possibilities of individual and common ownership are established by the Law of Property Act. Ownership may pertain to one person who can individually exercise all ownership-related rights, i.e. individual ownership, or it may pertain to several persons in the form of a common ownership or joint ownership.

(i) Taxes

170. Pursuant to the Tax Regime Act (RT I 1994, 1, 5), a tax is "a financial obligation which is imposed on taxpayers by a tax law or a regulation of a local government council issued on the basis of law to obtain revenue required for fulfilling the public duties of the State and local governments, which is subject to indisputable performance, without direct return, pursuant to the prescribed procedure, in the prescribed amount and during the prescribed terms" (subsect. 2 of sect. 2). A law on tax must determine the tax rate, the taxpayer and the procedure for payment of the tax (sect. 7). The same must be established in a tax resolution of a local government. Possible local taxes are enumerated in the Local Taxes Act, although the latter does not establish the maximum rates of local taxes. Still, a provision is in force requiring that a local tax should not restrain the free movement of people, goods and services (subsect. 2 of sect. 6). Tax laws do not make distinctions between citizens and aliens. The only essential requirement is that the taxpayer be an Estonian resident.

171. State fees shall be paid according to established rates by legal and natural persons for the performance of legal acts and issuance of documents. The categories and rates of and exemptions from State fees are established by the State Fees Act (RT I 1997, 80, 1344). The Government of the Republic has the right to adjust the fee rates established in this Act individually up to 50 per cent. The rates of State fees for the performance of similar legal acts are the same for citizens and aliens.

172. The State fees for the issuance of an Estonian citizen's passport and for an alien's passport are different. For the passport of the Estonian citizen the fee is 35 kroons and for the alien's passport the amount is 100 kroons. Applicants for a passport are exempted from the State fee on equal grounds. Persons under 17 years of age and retired persons are exempted.

173. The following categories of compulsory insurance are in force in Estonia: the State pension insurance and motor insurance. The State pension insurance operates through social tax, which is paid by employees pursuant to the procedure established by the Social Tax Act. Social tax is paid on monthly wages, additional pecuniary and non-pecuniary payments made by the employer or the person who orders the work, on income received from an enterprise by natural persons engaged in the enterprise. Pursuant to the Motor Insurance Act (RT I 1995, 48, 744) all vehicles that are used in the road traffic and are subject to registration are also subject to compulsory insurance. The road vehicles which arrive in the Republic of Estonia and are registered in foreign countries are insured at the border, unless otherwise established by international treaties (i.e. the Republic of Estonia recognizes the motor insurance of foreign countries). The insurance payments are used to compensate for the damage incurred by natural and legal persons causing traffic accidents in the Republic of Estonia. Both, the system of social insurance and motor insurance operate in the general interest and do not differentiate between citizens and aliens.

(ii) Restrictions on property ownership

174. Pursuant to the Civil Procedure Code, certain restrictions may be imposed on a person's property by the court (entering a prohibition on transfer or encumbrance of property in a register, establishment of judicial mortgaging, seizure of movable property - sect. 154) if, during the civil

proceedings, the court has reason to suspect that without such measures the execution of the court decision will become difficult or impossible (subsect 1 of sect 153). If the action is dismissed, the person whose property was restricted has the right to claim from the opposite party compensation for damages incurred (sect 160). The Act does not differentiate between citizens and aliens.

175. Fines may be enforced only according to the procedure established by law and as a rule, in cases stipulated by law. Fine as a category of punishment is established by the Criminal Code, the Administrative Law Infringements Act and other laws on administrative liability, for example the Customs Act (RT I 1994, 2, 13), the Competition Act (RT I 1998, 30, 410), Tax Regulation Act and Employees Disciplinary Punishments Act (RT I 1993, 26, 441). As a rule, the amount of the fine is the sum determined by the official who is empowered to apply punishments or by the court, in certain cases it is a percentage of the amount which constituted the contents of the offence. Fines may create problems due to the fact that the degrees of punishments established by amendments to the Administrative Infringements Act and special legislation regulating administrative punishments do not form a unified system and in some cases are more severe than fines applicable as criminal punishments. Fine rates for citizens and aliens are the same.

176. Restrictions on the use and disposal of property may be imposed by law or on the agreement of the parties. In addition to restrictions enumerated in sections 140-168 of the Law of Property Act (RT I 1993, 39, 590), section 169 of the Act establishes that supplementary immovable property ownership restrictions may be established by law for the purpose of land use planning, construction considerations, fire safety and health, for the protection of cultural monuments and the environment, and for other societal needs.

177. Lawful restrictions, in addition to those set forth in the Law of Property Act, are also imposed by:

Water Act (RT I 1994, 40, 655) - for the protection of pure water;

Forest Act (RT I 1998, 113, 1872) - to protect the forest as a natural wealth;

Heritage Conservation Act (RT I 1994, 24, 391) - to protect the monuments of historical and cultural value;

Protected Natural Objects Act (RT I 1998, 36, 555) - to protect fauna and flora species and unique natural forms, etc ;

Protection of Coast Act (RT I 1995, 31, 382) - to ensure the preservation and purity of the coast and water bodies;

Planning and Building Act (RT I 1995, 59, 1006) - to ensure supervision over the planning, building and use of structures;

Mineral Resources Act (RT 1994, 86, 1488) - for the research and mining of mineral resources necessary for the economy;

and other Acts.

178. Although the Constitution stipulates that it is allowed to provide by law classes of property which, in the public interest, may be acquired in Estonia only by Estonian citizens, some categories of legal persons, local governments or the Estonian State, no major restrictions have been imposed.

179. Restrictions have been imposed on transactions concerning ownership of immovable property. The Restrictions on Transfer of Immovable Property Ownership to Aliens, Foreign States and Legal Persons Act (RT I 1996, 39, 766) provides that the ownership of a plot of land may be transferred to an alien with the permission of the governor of the county where the plot of land is located. The restriction is not applicable for transfer of a plot of land to the spouse, direct descendants or ascendants of the transferor. For the purposes of this Act, an alien is a person who is not an Estonian citizen. The county governor's permission is also necessary for the transfer of the ownership of a plot of land to a foreign legal person. Permission may be granted if the branch of a foreign commercial undertaking is entered in the commercial register in Estonia.

180. Acquisition of a plot of land by an alien or a foreign legal person is prohibited in certain areas, mainly on the border areas, for national security considerations. The Act contains an exhaustive list of such areas. The Government of the Republic may grant exceptions to this restriction for reasons significant to the State.

181. The Land Readjustment Act (RT I 1995, 14, 169) provides for the possibility to change the form and size of an immovable property in the course of reallotment without the consent of the owner. The Act establishes that the value of an immovable property to be formed may only be up to 10 per cent lower than the value of the former immovable property, and that the party who receives the immovable property with the higher value shall pay the other party a compensation in the amount of the difference in value (subsect. 3 of sect. 16). The owner of the immovable property is entitled to participate in the reallotment decisions and in the process of reallotment, as well as to contest the plan, and every party to land readjustment has the right of recourse to a court if the party's rights are violated (sect. 30).

182. The grounds for expropriation are established in the already mentioned article 32 of the Constitution. Section 171 of the Law of Property Act specifies the notion of expropriation: the Government of the Republic or a local government may expropriate an immovable property without the consent of the owner in the public interest and for fair and immediate compensation in the cases and pursuant to procedures provided by law. The law may provide for other bases for expropriation (pursuant to the Constitution and in accordance with the said conditions).

183. The grounds and procedure for expropriation of immovables are established in the Immovables Expropriation Act (RT I 1995, 30, 380). Pertinent provisions do not discriminate between citizens and aliens.

184. Article 32 of the Constitution allows, on the basis of law and in the public interest, to provide for classes of property, the ownership of which is restricted. This applies also to immovable property. The Criminal Code establishes punishments for the illegal possession, production, use, purchase, etc. of the following things and substances: firearms, ammunition, explosives and cold weapons, radioactive substances, narcotic drugs and psychotropic substances, strong or toxic substances. The ownership of the said substances is regulated by special laws, such as the Weapons Act, Explosives Act, Narcotic Drugs and Psychotropic Substances Act.

185. The Weapons Act (RT I 1995, 62, 1056) establishes differences between Estonian citizens and aliens in procuring weapons. Pursuant to section 20 of the Act, an Estonian citizen who is at least 18 years old has the right to purchase and possess a civil weapon of restricted circulation, except such firearms as pistols and revolvers. He or she is allowed to possess a hunting rifle only if he or she has a valid hunting licence.

186. The citizens of foreign countries and stateless persons have the following rights related to purchasing and possessing weapons:

(a) An alien who is staying in Estonia on the basis of a permanent residence permit and has attained at least 18 years of age has the right to purchase and possess a civil weapon of restricted circulation, except firearms such as pistol and revolver, and a rifle, pursuant to the procedure and conditions established by this Act;

(b) An alien who is legally staying in Estonia who has not been referred to in the first subsection of this section and who has attained at least 18 years of age has the right to purchase and possess a civil weapon of restricted circulation pursuant to the procedure and conditions established by this Act if:

(i) He or she possesses a permit for purchasing a weapon of given category, issued by a competent authority of his or her country of citizenship, and

(ii) The diplomatic or consular representation of the pertinent country submits his application for the purchase of the weapon through the Foreign Ministry of Estonia, and

(iii) He or she undertakes to take the prospective weapon out of the country with him or her when leaving Estonia.

187. Thus, the regulation of purchasing weapons by Estonian citizens and by aliens having a permanent residence permit is similar. In the interest of national security, additional conditions are imposed on persons who have a temporary residence permit.

188. Pursuant to the Wages Act (RT I 1994, 11, 154), the following may be deducted from an employee's wages without the consent of the employee: taxes established by law; fines imposed by a court or under administrative or disciplinary procedure; alimony; amounts for compensation of damage to a person's health or the death of a provider; remuneration for holiday days upon

termination of an employment contract before the end of a working year for which an employee has already received holiday; other amounts prescribed by law (e.g. partial proprietary liability) (subsect. 1 of sect. 36).

189. An employer may also deduct amounts paid in excess to an employee due to a calculation error, advance payments not duly repaid to the employer and, with the prior written consent of the employee, compensation for damage caused by the employee to the employer (full proprietary liability) (subsect. 2 of sect. 36).

190. Despite the amount deducted, the amount payable to an employee must equal at least 80 per cent of the minimum wage rate established by the State. The Wages Act does not discriminate between Estonian citizens and aliens.

(iii) Protection of the right of ownership

191. Ownership in Estonia is protected by civil law, administrative law and criminal law. Civil law protects ownership pursuant to the procedure provided for in the Civil Procedure Code on the basis of the General Principles of the Civil Code Act, the Law of Property Act, the Civil Code, the laws on intellectual property and other civil laws.

192. If a person finds that a legislative act or activity of the executive power, an agency or an official (of State or local government) violates his or her ownership rights, he or she is entitled, in accordance with the Administrative Court Procedure Code, to file a complaint with an administrative court to have the legislation or the act declared illegal in its entirety or in part. The court shall propose that the pertinent body, agency or official review the issue and make a new decision or perform a new act. Proprietary damages incurred due to the legislation or act which violates a person's ownership rights are compensated through civil proceedings.

193. Pursuant to the constitutional law, the Republic of Estonia has existed on a continuous basis, since 1918, and the fact of Estonia belonging within the USSR is considered an annexation. The principle of continuity of the State is applied to citizenship issues. On the other hand, the legislation dating back to the period before the Second World War (domestic norms, as well as international treaties) are not considered to be automatically valid; instead, these have to be re-enforced.

194. The doctrine of ownership reform, which has been under way since 1991, is also based on the concept of the continuity of the Republic of Estonia. The loss of ownership due to nationalization, expropriation and confiscation of property under Soviet occupation is being compensated for persons who were Estonian citizens on 16 June 1940 or to their successors, by returning the preserved property or by pecuniary compensation to be paid in the form of public capital bonds.

195. On 20 June 1991 the Principles of Ownership Reform Act entered into force (RT 1991, 21, 257). The Act laid down the purpose of the ownership reform: to restructure ownership relations in order to ensure the inviolability of property and free enterprise, to create the preconditions for the transfer to a market economy, and to undo the injustices caused by violation of the right of ownership (sect. 2). It was also provided that return of property to or

compensation for former owners or their legal successors for property in the course of ownership reform must not prejudice the interests protected by law of other persons or cause new injustices. Unfortunately, the return of unlawfully expropriated property has created enormous tensions, especially among the tenants of dwellings subject to return who - for this very reason - have not been able to privatize their flats.

196. The ownership reform has been carried out in two phases: return of or compensation for unlawfully expropriated property, change of the form of ownership of other property.

197. At present, the ownership reform is in its final stage. The deadline for filing applications for the return of property is over. For dealing with ownership-related issues and pre-trial settlement of disputes a central national commission and county commissions have been formed, staffed with the officials of several governmental institutions.

198. Pursuant to section 7 of the Principles of Ownership Reform Act only such natural persons who resided permanently in the territory of the Republic of Estonia which at present is under the jurisdiction of the Republic of Estonia, or who were citizens of the Republic of Estonia on 16 June 1940 are entitled to apply for the return of property.

199. The issues pertaining to the return of and compensation for the unlawfully expropriated property of foreign States, their citizens and stateless persons (except persons who permanently reside in Estonia) are resolved by international treaties. Such treaties are being prepared with the Republic of Finland.

(f) The right to inherit

200. Article 32 of the Constitution states that the right of succession is guaranteed. The procedure for and restrictions on succession are established by the Law of Succession Act (RT I 1996, 38, 752). Pursuant to this Act the succession capacity is related to passive legal capacity.

201. Any natural and legal person may be a successor. Restrictions on the right of succession are provided in section 6 of the Act, which states that a person is unworthy to succeed in the following cases:

(a) The person commits a criminal offence against the person of the bequeather or provisional successor resulting in their death except if committed in self-defence or in excess of the limits of self-defence;

(b) The person knowingly and unlawfully places the bequeather in a situation where he or she is incapable of making or altering a testamentary disposition until his or her death;

(c) The person by duress or deceit hinders the bequeather from making or altering a testamentary disposition or in the same manner induces the bequeather to make or alter a testamentary disposition if it is no longer possible for the bequeather to express his or her actual testamentary intention;

(d) The person knowingly and unlawfully removes or destroys a will or testamentary contract if it is no longer possible for the bequeather to renew it.

202. Pursuant to the Law of Succession Act, the parent of a child whom a court has deprived of parental rights cannot be an intestate successor of the child.

203. There are three grounds of succession in Estonia: intestate, testate, testamentary contract. If there are no other successors, the intestate successor is the local government of the place of opening of a succession. If a succession is opened abroad, the State is the intestate successor.

204. Every successor has the right to accept the succession or to renounce it. It is possible to conclude a testamentary contract concerning renunciation of a succession. The acceptance of succession brings about certain obligations or transfer of obligations to the successor, such as the obligation to pay the expenses for the bequeather's funeral, maintenance of his or her family members, management and maintenance of the estate and the making of the inventory, and also the obligation to satisfy the claims for debts.

205. There are no restrictions on the right to succession in Estonia on the basis of citizenship. Although the transfer of certain plots of land to aliens has been restricted, these restrictions do not apply to the transfer of land upon succession.

(g) The right to freedom of thought, conscience and religion

206. Under Soviet occupation atheistic legislation was enforced in Estonia. By means of repressive measures Church property was confiscated and the Theological Faculty at Tartu University was closed. In the 1970s, less than 10 per cent of the population openly admitted being Christians. Since 1988, the influence of the Lutheran Church within Estonian society started to increase. Its congregations started to function and its property was returned under the legislation on property reform.

207. Higher religious education was re-established. In 1991 the Faculty of Theology was reopened at Tartu University. In the 1997/98 academic year 200 students were enrolled at the Faculty of Theology at Tartu University.

208. There are two articles in the Estonian Constitution which guarantee the protection of the rights and freedoms associated with the freedom of conscience, religion and thought. The Constitution stipulates that: "All persons shall have freedom of conscience, religion and thought. All persons may freely belong to churches or religious associations. There shall be no State church. Every person shall have the freedom to practise his or her religion, either alone or in community with others, and in public or in private, unless this endangers public order, health or morals" (art. 40). Article 41 of the Constitution stipulates that: "Every person shall have the right to hold his or her opinions and beliefs. No person may be coerced to change such opinions and beliefs. Therefore, a person may not be subjected to treatment which affects his or her thinking."

209. Articles 42 and 45 of the Constitution, where it is stipulated that: "No State or local government authority or their officials may collect or store information on the beliefs of any

Estonian citizen against his or her free will" (art. 42) and that "all persons shall have the right to freely circulate ideas, opinions, beliefs and other information by word ... and other means" (art. 45), also provide a certain protection to the freedom of conscience, religion and thought.

210. The freedom of conscience, religion and thought, as stipulated in the Constitution, may be restricted only in accordance with the Constitution, and these restrictions must be necessary in a democratic society and should not distort the nature of the rights and freedoms being restricted (Constitution, art. 11).

211. Article 130 of the Constitution also adds that the right of conscience, religion and thought to remain true to one's own opinions and beliefs must not be restricted even during a time of emergency or war, in the interests of State security or public order.

212. In addition to articles 40 and 41 of the Constitution, the Churches and Congregations Act (RT I 1993, 30, 510) which came into force on 25 June 1993, also provides for the implementation of the freedom of religion. According to section 4 of the Act, "all persons shall have the right to freely choose, recognize and manifest their religious beliefs. No one shall be obliged to provide information on their religious manifestation or membership of a church". Children under 12 years of age may belong, according to their parents' wishes, only to their parents' congregation, and any child who has attained 15 years of age may independently decide on joining or leaving a congregation.

213. The Churches and Congregations Act determines a Church, congregation or association of congregations as a legal person, and stipulates the legal bases for their activities. All religious organizations must register with the Ministry of the Interior. In order to register a Church, congregation or association of congregations, the Church, congregation or association of congregations must submit an approved application, statutes and the minutes of the founding meeting, with the notarized signatures of at least three founding members. The Act also regulates such issues as what information the statutes for the Church or congregation should contain. Many basic requirements for democracy within the Church or congregation are mandatory: openness of the membership, existence of an elected executive, equality of members before the law, right to participate in the elections to the executive and for official posts, right to leave the Church or congregation by notifying beforehand the Church or congregation executive (sect. 9).

214. A person who has the right to vote at the local government elections and who is not punished pursuant to the Criminal Code may be a member of the board of a Church, a congregation or the association of congregations, and a clergyman (sect. 15).

215. Since there is no State church in Estonia (Constitution, art. 40), there are also no Church taxes in Estonia, which could be discriminatory.

216. Further guarantees for the realization of religious freedom are provided by section 138 of the Criminal Code, where it is stipulated that "for preventing the manifestation of religion, if this manifestation does not disturb public order, health or morals - the penalty shall be a monetary fine or arrest".

217. Some restrictions on the realization of religious freedom are set in section 201[1] (1) of the Criminal Code, which states that if a person organizes or leads a group the activities of which consist of religious teaching or rites connected to violation of public order or causes damage to a person's health or other assault on a person's life or rights, as well as induces a person to dishonour the fulfilment of the duties of a citizen, the penalty for such a deed is a monetary fine or arrest or deprivation of liberty for up to five years. If a person participates in the activities of a group, or incites others to perform activities foreseen in the religious teaching and rites of such group, the penalty for such a deed is a fine or arrest or deprivation of liberty up to three years (subsect. 2).

218. The National Minorities Cultural Autonomy Act was adopted in order, inter alia, to promote the exercise of the right to freedom of religion, conscience and thought for national minorities. According to the Act, minorities are Estonian citizens who reside on Estonian territory, have long-term and permanent ties in Estonia, differ from Estonians by their ethnic origin, cultural distinctiveness, religion or language, and are driven by the desire to preserve as a group their cultural customs, religions or language, which is the basis for their common identity. Section 3 of this Act guarantees a person belonging to a minority the right to preserve "his or her ethnicity, cultural customs, mother tongue and religion". The Act stipulates a ban on the denigration or hindering of national cultural or religious customs.

(i) Statistics

219. Today's religious picture in Estonia is a mosaic of different faiths and denominations. Along with traditional Christian Churches, which have functioned in Estonia for centuries, many new religious movements have appeared. The following are the Churches and congregations and associations of congregations and their branches and single congregations registered at the Ministry of Internal Affairs by 15 May 1998, pursuant to the Churches and Congregations Act:

Church	Congregation
Estonian Apostolic-Orthodox	58 congregations
Estonian Union of Evangelical Christian and Baptist Congregations	89 congregations 2 subordinates
Estonian Union of Evangelistic Christian Pentecostal Congregations	3 congregations
Estonian Evangelical Lutheran Church	167 congregations 12 deaneries 19 subordinates
Estonian Union of Congregations of Jehovah's Witnesses	11 congregations
Estonian Charismatic Episcopal Church	10 congregations
Estonian Christian Pentecostal Church	38 congregations 3 subordinates
Estonian Union of Christian Free Congregations (Word of Life congregations)	7 congregations
Estonian Methodist Church	24 congregations 1 subordinate
Estonian Union of Full Gospel Congregations	5 congregations
Estonian Union of Congregations of Old Believers	11 congregations
Roman-Catholic Church in Estonia	7 congregations 4 orders
Estonian Union of Seventh-Day Adventists	18 congregations
The House of Taara and Mother Earth people of Maavald	3 congregations
New Apostolic Church in Estonia	10 congregations
Single congregations	57 congregations
The Pühtitsa Dormition Stavropegic Convent	

220. The number of religious societies registered at the Ministry of Internal Affairs by 10 September 1996, pursuant to the Non-profit Associations Act, is 35.

(ii) Conscientious objection

221. Alternate service in Estonia is regulated by the Defence Forces Act (RT I 1994, 23, 384). Section 10 of the Act stipulates that citizens who refuse, on religious or moral grounds, to perform military service are obligated to perform alternative service, according to the procedures prescribed by the Alternative Service Act. Section 89 of the same Act stipulates that fulfilling the obligations of alternative service must not be in conflict with the religious or moral beliefs of the performers of alternative service, and they must not be obligated, against their wishes, to handle a weapon or other firearms, to practise their use, or participate in their maintenance, or to handle other means and substances which are intended for the destruction of people or for rendering the enemy harmless.

222. By 19 February 1999, 41 persons had refused to perform military service, 13 of them have performed alternative service. One of those 13 did so after a court judgement.

(h) The right to freedom of opinion and expression

223. Pursuant to article 45 of the Constitution all persons shall have the right to freely circulate ideas, opinions, beliefs and other information by word, print, picture and other means. This right may be restricted by law in order to protect public order or morals, or the rights and freedoms, health, honour and reputation of others. The law may likewise restrict this right for State and local government officials, in order to protect State or business secrets or confidential communications as well as to protect the family life and privacy of others, and in the interests of justice. There is no censorship.

224. Article 44 of the Constitution stipulates that all persons shall have the right to freely receive information circulated for general use. At the request of an Estonian citizen, and to the extent and in accordance with procedures established by law, all State and local government authorities and their officials shall be obligated to provide information on their work, with the exception of information which is prohibited from disclosure by law, and information which is intended for internal use only.

225. Every Estonian citizen shall have the right to obtain information about himself or herself held by State and local government authorities and in State and local government archives, in accordance with procedures established by law, in order to protect the rights and freedoms of others and the secrecy of a child's parentage, as well as in order to prevent a criminal act, to apprehend a criminal or to establish facts in criminal proceedings. Unless otherwise established by law, the rights specified in paragraphs 2 and 3 of this article shall exist equally for Estonian citizens and citizens of foreign States and stateless persons who are sojourning in Estonia.

226. The Constitution provides everyone with freedom of expression, and there should be no discrimination between citizens and non-citizens. The Constitution allows for restrictions only on the basis of law. No laws making differences between citizens and non-citizens have been adopted.

227. The Criminal Code establishes many criminal offences which, in some way, restrict the freedom of expression, establishing also that the incitement of national, racial, religious or political hatred, violence or discrimination shall be punished by a fine or arrest or with deprivation of liberty of up to one year (sect. 72 (1)). The restrictions to freedom of expression provided by the Criminal Code have all been established by law, and are restrictions for the protection of national defence, or the rights, reputation, health or morals of others. The restrictions imposed by the Criminal Code can be considered as necessary in a democratic society and non-discriminatory.

228. Restrictions on the freedom of expression in relation to the prohibition of incitement of discrimination can also be found in the Advertising Act, which came into force on 1 January 1998 (RT I 1997, 52, 853) and which establishes the prohibition of offensive advertising (in sect. 5): an advertisement is offensive if it is contrary to good morals and customs, calls on people to act unlawfully or to violate prevailing standards of decency, or if it contains such activities. Offensive advertising is prohibited. An advertisement is considered offensive in particular if the advertisement presents, incites or endorses discrimination on the grounds of ethnicity, race, colour, sex, age, language, origin, religion, political or other opinion, and financial or social status or other circumstances.

229. As mentioned above, one of the central issues regarding article 5 (viii) is the right of the press to publish information and ideas. Estonia's legislation does not regulate the press or publishing. Currently, everyone may freely publish newspapers, periodicals or books. The Criminal Code prohibits the printing of certain things, such as war propaganda and the incitement of racial or religious hatred.

Print media	1980	1985	1990	1994	1995	1996	1997
Books and brochures							
No. of titles	2 120	1 976	1 628	2 291	2 635	2 628	3 317
In Estonian	1 304	1 253	1 080	. 1 863	2 254	2 243	2 767
Periodical publications							
No. of titles	105	103	434	470	501	517	572
In Estonian	72	70	334	393	426	440	496
Newspapers							
No. of titles	43	49	165	196	146	119	102
In Estonian	31	35	110	156	110	86	74
Including daily papers	-	-	11	15	19	15	15
In Estonian	-	-	-	11	14	11	11

230. According to the Broadcasting Act (RT I 1994, 42, 680), which came into force on 15 June 1994, everybody can obtain the permission to broadcast.

Radio	1993	1994	1995	1996	1997
No. of broadcasters	16	21	24	22	25
Public-law	1	1	1	1	1
Private-law	8	17	20	20	23
Other	7	3	3	1	1
Whole quantity of programmes (hours)	65 619	104 597	125 929	155 439	214 009
In Estonian (%)	79.6	83.9	85.4	81.4	83.7
In Russian (%)	6.4	11.8	13.5	17.9	15.9

Television	1993	1994	1995	1996	1997
No. of broadcasters	8	7	9	7	7
Public-law	1	1	1	1	1
Private-law	7	6	8	6	6
Whole quantity of programmes (hours)	3 315	6 457	8 800	8 767	20 640
In Estonian (%)	71.3	87.9	89.5	93.0	87.0
In Russian (%)	12.9	7.9	12.0	10.8	6.6

231 It has been argued that the consumption of information per inhabitant can be regarded as an indicator of almost the same general quality as the gross domestic product per inhabitant. The following shows the consumption of categories of media by Estonians and non-Estonians:

Consumption of media in Estonia in 1993-1997										
	Estonians					Non-Estonians				
	1993	1994	1995	1996	1997	1993	1994	1995	1996	1997
No. of people surveyed	918	1 016	1 026	1 016	1 051	613	579	585	557	516
Average number of newspapers read*	8.7	7.7	7.3	6.3	6.3	3.9	3.7	4.3	3.8	3.1
Do not read newspapers (%)	-	3	2	2	2	-	15	8	9	13
Average number of magazines read*	4.7	4.2	4.3	5.1	5.4	0.8	0.8	0.6	0.7	1.0
Do not read magazines (%)	-	28	24	19	16	-	74	79	74	55
Average number of newspapers subscribed to	2.7	2.2	2.0	1.9	1.8	0.5	0.4	0.4	0.3	0.3
Average number of TV stations watched	3.4	3.8	4.1	3.5	3.8	3.2	3.8	4.5	3.4	4.8
Do not watch TV (%)	-	6	5	4	4	-	10	5	6	5
Average time spent watching TV per day (min.)	183	176	190	214	215	237	218	244	262	261
Average number of radio stations listened to	2.6	2.6	2.8	3.1	3.2	2.9	3.0	2.6	2.4	2.6
Do not listen to the radio (%)	-	1	2	2	2	-	6	8	10	9
Average time spent listening to the radio per day (min.)	265	269	282	243	230	174	193	197	162	162

* Both regular and occasional reading.

Source: Baltic Media Facts (BMF). Surveys representative of the population aged between 15-74 years, conducted in October-November of the pertinent year.

232. The number of Internet users in Estonia has increased during the past four years by more than 10 times. In the autumn of 1998 the percentage of Estonians among Internet users was 79 per cent, the percentage of non-Estonians was 21 per cent.

(i) Protection of personal data

233. As already mentioned, it is allowed to restrict by law State and local government civil servants from disseminating a State or business secret or information received in confidence which has become known to them by reason of their office, in order to protect the family and private life of others, as well as in the interests of justice (art. 45 of the Constitution). The Personal Data Protection Act (RT I 1996, 48, 944), defines sensitive personal data and the procedure for the use of such data.

234. Personal data are any information relating to an identified natural person or a natural person identifiable directly or indirectly by reference to the person's physical, mental, psychological, economic, cultural or social characteristics, relations and associations. For the purposes of the Act, personal data are either sensitive or non-sensitive personal data. Sensitive personal data are: data revealing political opinions or religious or philosophical beliefs, except the data concerning membership of private law legal persons registered pursuant to procedure established by law; data revealing ethnic or racial origin.

235. Section 9 of the Act establishes the cases of permissibility for processing sensitive personal data. Processing of sensitive personal data revealing political opinions or religious or other beliefs of an Estonian citizen or an alien residing in Estonia on the basis of a permanent residence permit, including disclosure thereof to a third person, is only permitted with the consent of the person. In other cases, processing of sensitive personal data revealing political opinions or religious or other beliefs of a person, including disclosure thereof to a third person, is permitted:

(a) Without the consent of the person if the processing is carried out for the performance of obligations prescribed by law;

(b) With the consent of the person unless the processing is contrary to law or legislation established on the basis thereof.

236. Processing of sensitive personal data revealing ethnic or racial origin, state of health or sexual life is permitted without the consent of the person if the processing is carried out for the performance of obligations prescribed by law, for protection of the person's life, health or freedom, or for the performance of a task in the public or general interest which is assigned by law to a chief processor or a third person to whom the data are disclosed.

237. Pursuant to the Code of Administrative Offences, a fine of 10-200 days' wages is imposed for violations of the requirements for processing of personal data, or failure to apply measures to protect personal data. For the violation of the procedure for the maintenance of the State register or the procedure for the use of the data stored in such registers, if it involves the

violation of a citizen's fundamental rights or serious harm to the interests of the State, punishment in the form of a fine or deprivation of liberty for up to two years is provided in accordance with the Criminal Code (sect 167).

(j) The right to freedom of peaceful assembly and association

(i) Freedom of assembly

238. The right of assembly is provided in Estonia by article 47 of the Constitution, which states: "All persons shall have the right, without prior permission, to peacefully assemble and conduct meetings. This right may be restricted in the cases and in accordance with procedures established by law in order to ensure national security, public order or morals, traffic safety and the safety of the participants in such meetings or to prevent the spread of infectious diseases."

239. The Public Assembly Act (RT I 1997, 30, 472) prohibits any public assembly which incites racial, religious or political hatred, violence or discrimination between the social strata (sect. 3). The laws which also restrict this right are the Criminal Code (CC) and the Code of Administrative Offences (CAO). These laws provide for the cases in which a person may be held liable for abuse of the right of assembly. Those laws do not make any difference between citizens or non-citizens. The specific characteristics of the administrative offences are contained in lesser legal acts, such as government orders (Traffic Regulations) or regulations issued by other State agencies or local governments (Public Order Regulations).

240. The Public Assemblies Act provides that to hold a lawful public assembly prior notice of the intent to assemble must be given to the authorities by the organizers. According to subsection 4 (2) of section 6 of the Act a public assembly requires a citizen or permanent resident to function as organizer and person responsible for order during the event.

(ii) Freedom of association

241. The Estonian Constitution makes a distinction between forming non-profit and profit-making associations. The Constitution establishes that: "All persons shall have the right to form non-profit associations and leagues" (art. 48) and "Estonian citizens shall have the right ... to form profit-making associations and leagues. The law may establish conditions and procedures for the exercise of this right. If not otherwise established by law, this right shall exist equally for Estonian citizens and citizens of foreign States and stateless persons who are sojourning in Estonia" (art. 31).

242. Although the right of association does not require formal registration by a public authority, in the majority of cases it is in the interests of those who form the association to form a legal association, a legal person (in order to own collective property and to be liable for their actions collectively). In accordance with the general principles of the Civil Code Act (RT I 1994, 53, 889), a legal person may be formed based on one of the laws governing each category of legal person (Non-profit Associations Act, Political Parties Act, Churches and Congregations Act, Commercial Code, Cooperatives Act, etc.) or based on a special law (for most public law legal persons).

243. The Non-profit Associations Act restricts the activities of non-profit associations by prohibiting associations which are directed against the principles of democratic society (sect. 5). In addition, the Act reiterates the prohibition set forth in the Constitution (art. 48). According to the Non-profit Associations Act, the activity of the association may provide grounds for the suspension or termination of the association's activity or for a fine to be imposed on the association, if such activity: "... (2) compromises national defence or jeopardizes the State's international relations; (3) incites ethnic, racial, religious or political hatred, or violence or discrimination; (4) incites hatred, violence or discrimination between social strata; (5) violates public order, morals, the rights and freedoms of others, or their health, or insults their honour or reputation; (6) contradicts the law or the aims established in the association's statutes, or the means of achieving such aims" (sect. 23).

244. Pursuant to sociological surveys the participation in associations among different ethnic groups is the following:

Participation in associations (%)	Estonians	Russians	Other nationalities
In none	51.5	61.2	52.4
In one	26.8	29.6	40.8
In two	14.0	7.8	3.9
In three	5.0	1.0	1.9
In four or more	2.6	0.5	1.0

245. According to article 31 of the Constitution, "Estonian citizens shall have the right ... to form profit-making associations and leagues. The law may establish conditions and procedures for the exercise of this right. If not otherwise established by law, this right shall exist equally for Estonian citizens and citizens of foreign States and stateless persons who are sojourning in Estonia."

246. The formation and activities of profit-making associations in Estonia is regulated by the Commercial Code (RT I 1995, 26-28, 355). Profit-making associations may take one of the following forms: general partnership, limited partnership, share-holding company, joint-stock company. The law does not provide for significant restrictions as to the founding members or membership of such associations (most significantly, no restrictions are made on the basis of citizenship). Generally, the existence of civil legal capacity is required, and in certain cases a residence in Estonia is also required (for some members of the board of a share-holding company or joint-stock company).

247. Pursuant to the Commercial Code, the following persons are allowed to participate in the existing forms of enterprise:

Any natural person may be a sole proprietor (sect. 3);

A natural person or legal person may be a partner in a general partnership (sect. 80);

The provisions concerning a partner of a general partnership shall apply to a general partner and a limited partner (sect. 126);

A founder may be a natural person or a legal person (sect. 137), subsection 2 of section 180 establishes that at least one half of the members of the management board must be persons who reside in Estonia (must have a permanent residence permit);

A founder may be a natural person or a legal person (sect. 242), at least one half of the members of the management board must be persons who reside in Estonia (sect. 308, subsect. 4);

The residence of at least one director of a foreign commercial undertaking must be in Estonia (sect. 385, subsect. 1).

248. Pursuant to the Associations Act (RT 1992, 36, 477), any natural person staying or legal person located in Estonia may be a member of an association (sect. 13).

249. As the Commercial Code and the Associations Act do not differentiate between citizens and aliens, the business register has collected no statistical data concerning the foundation of profit associations by aliens (or other nationalities).

6. Economic, social and cultural rights

(a) The right to work and to free choice of employment

250. Article 29 of the Constitution guarantees the right to work and to free choice of employment by establishing: "An Estonian citizen has the right to freely choose his or her sphere of activity, profession and place of work. Conditions and procedures for the exercise of this right may be provided by law. Citizens of foreign States and stateless persons who are in Estonia have this right equally with Estonian citizens, unless otherwise provided by law." In the same article the Constitution puts an obligation on the State to organize vocational training and assist persons who seek employment in finding work. Pursuant to the Constitution the working conditions are also under State supervision.

251. Although article 29 does not explicitly prohibit discrimination and giving preferences on the grounds of ethnicity, colour, race or language, the principle of non-discrimination is to be found in article 12 of the Constitution and the principle is expressly worded in section 10 of the Employment Contracts Act, prohibiting illegal preferences and restriction of rights as follows: "It is illegal to allow or give preferences, or to restrict rights on the grounds of the sex, ethnicity, colour, race, native language, social origin, social status, previous activities, religion, political or other opinion, or attitude towards the duty to serve in the armed forces of employees or employers."

252. Pursuant to the Act, it is not contrary to the said provision to allow a suitable working and rest time regime which satisfies the religious requirements of an employee, and to require language skills necessary for the work and pay compensation for proficiency in languages.

253. Pursuant to section 13 of the Employment Contracts Act citizens of foreign States and stateless persons who reside in Estonia permanently have rights pertaining to employment equal to those of Estonian citizens unless otherwise prescribed by law. Specific conditions pertaining

to stay, living and employment of citizens of foreign States and stateless persons in Estonia and the bases of aliens' legal liability are regulated by the Aliens Act (RT I 1993, 44, 637), in force as of 12 July 1993)

254. Pursuant to subsection 1 of section 9 of the Aliens Act, aliens require a work permit in order to work in Estonia, and pursuant to subsection 2 of the same section aliens shall apply for a visa, residence permit or work permit at the representations of the Republic of Estonia. Exceptions may be made by the Government of the Republic. Section 13 of the Aliens Act provides for the conditions for the issuance of work permits. Subsection 1 states that a work permit may be issued to aliens for employment with a specific employer on the basis of an application of the employer for a term of up to five years. Aliens who have a permanent residence permit do not require a work permit.

255. On the basis of the Aliens Act, the Government of the Republic, by its regulation No. 368, of 7 December 1995, approved the "Procedure for issuance, extending and revocation of residence and work permits to aliens". Work permits shall be issued for employment with a specific employer on the basis of an application of the employer. It is allowed to issue a work permit without specifying the employer to aliens who settled in Estonia before 1 July 1990 and are staying in Estonia on the basis of permanent address registration in the former Estonian SSR, who have applied for the residence permit within two years of the Aliens Act coming into force. If the said alien has been issued a work permit before the referred procedure came into force, he or she has the right to apply for a new work permit which does not specify the name of the employer, before the expiration of his or her current permit.

256. Pursuant to the approved procedure, the following do not require a work permit: (a) an alien who has a permanent residence permit; (b) in the cases prescribed in the international treaties of Estonia; (c) an alien who arrives in Estonia for less than one year to fulfil a cooperation or assistance programme on the invitation of the Government of the Republic or of a governmental institution authorized by the Government of the Republic.

257. Temporary residence and work permits may be issued for up to five years. Temporary residence and work permits are valid during the term fixed on the permit.

258. Pursuant to article 29 of the Constitution the procedure for settlement of labour disputes shall be provided by law. Specific provisions for settlement of labour disputes are given in the Individual Labour Dispute Resolution Act (RT I 1996, 3) and in the Collective Labour Disputes Resolution Act (RT I 1993, 26). The Collective Labour Disputes Resolution Act regulates the procedures for the resolution of collective labour disputes and the calling and organization of strikes and lockouts. Pursuant to the Act, if an agreement is not reached through negotiations the parties shall consult the Public Conciliator in writing. Failing agreement on labour disputes which concern the application of labour legislation and entry into, performance or amendment of collective agreements between employers and employees or associations or unions thereof, the employers and representatives of the employees have the right of recourse to federations of employers and federations of employees, who shall establish a committee for resolution of a labour dispute. An agreement reached by a federation of employers and a federation of employees is binding on the parties to a dispute.

259. The Individual Labour Dispute Resolution Act establishes the procedure and conditions for resolution of individual labour disputes between employees and employers. Pursuant to the Act individual labour disputes are resolved by courts and labour dispute committees, which are institutions for pre-trial settlement of labour disputes and no fee is charged for the recourse to the committees. Presently there are 17 labour dispute committees in Estonia, 3 of which are in Tallinn and 2 in Tartu.

260. Pursuant to the Adult Education Act (sect. 7), the local government institutions have the obligation to guarantee to persons permanently residing on the territory of the local government the possibility to acquire basic and secondary education and to foster professional training and open education, if necessary, in cooperation with other local government units. They have to support especially the education of the unemployed, persons seeking employment and the least privileged persons (RT I 1998, 61, 988).

(b) Just and favourable conditions of work

261. Just and favourable conditions of work have been established in various Acts concerning labour law and these apply equally to all Estonian citizens and citizens of foreign States and stateless persons, for the purposes of section 10 of the Employment Contracts Act.

262. Section 9 of the Holidays Act (RT I 1992, 37, 481) stipulates that the duration of a base holiday is 28 calendar days. Just conditions of work are guaranteed by remuneration for work performed on public holidays and on days off pursuant to section 15 of the Wages Act, which establishes the procedure for compensating work on days off: "Unscheduled work by an employee on his or her prescribed days off shall be compensated for by agreement of the parties either in money or time off in lieu of money, whereas if compensation for work on days off is paid in money, the employee shall be additionally remunerated for time worked on days off in an amount equal to at least 50 per cent of his or her wage rate. If work on days off is compensated for by time off in lieu of money, work performed on a day off shall be remunerated for as work performed on an ordinary working day."

263. Remuneration for work performed on public holidays is guaranteed by section 16 of the Act as follows: "Work performed on a public holiday shall be remunerated at least at a double rate regardless of whether such work is scheduled or unscheduled. At the request of an employee, an employer may compensate for unscheduled work performed on a public holiday in time off in lieu of money to the extent of the time worked. In such case work performed on a public holiday shall be remunerated as work performed on an ordinary working day."

264. Section 28 of the Working and Rest Time Act (RT I 1994, 2, 12), in force as of 1 March 1994, stipulates that employees shall have at least two days off per week. Standard days off are Saturday and Sunday, which are the days recognized by tradition in the country as days of rest.

(c) Right to protection against unemployment

265. Pursuant to section 2 of the Social Protection of the Unemployed Act (RT I 1994, 81, 1381), in force as of 1 January 1995, permanent residents of the

Republic of Estonia have the right to receive employment services and State unemployment benefits unless an international agreement provides otherwise. Also, aliens to whom a temporary residence permit was granted for the first time on the basis of sections 20 and 21 of the Aliens Act or outside the immigration quota before 12 July 1993 have the right to receive State unemployment benefits and employment services until the residence permit expires, and refugees staying in Estonia have the right to receive employment services and State unemployment benefits on the same bases as permanent residents of Estonia.

(d) Just remuneration

266. The Wages Act (RT I 1994, 11, 154) determines the legal regulation of the remuneration of persons who work under an employment contract, the grant of guarantees and the payment of compensation relating to remuneration. Pursuant to section 5 of the Act it is prohibited to increase or reduce wages on the grounds of an employee's sex, ethnicity, colour, race, language, social origin, social status, previous activities, religion, political or other opinion, or attitude towards the duty to serve in the armed forces.

267. Average monthly income (in Estonian kroons) per household member, according to sociological survey (from January to July 1996), is the following:

Source of income	Estonian households*	Russian households*
Salary, premiums	653	755
Salary from double employment	25	20
Holiday pay	51	46
Official travel allowance	6	6
Individual labour	48	37
Enterprise	87	31
Pension	212	189
Child benefits	46	33
Other benefits	29	31
Taking a loan	43	45
Other financial transactions	9	2
Sale of assets	16	20
Recovery of loans	16	23
Income from other sources	86	32
Total income	1 328	1 269

* Differentiation on the basis of language used at home.

(e) Statistics

(i) Employment

268. The year when reforms were started in Estonia - 1992 - brought about a breakthrough in the labour market. From 1989 to 1996 employment was decreasing, whereas 1992 and 1993

witnessed the biggest downturn compared to the previous year (5 per cent and 8 per cent, respectively). In 1989, 76 per cent of the population aged between 15 and 69 were employed. In 1993 the rate of employment was 66 per cent, and in 1996 the figure was 61 per cent. During the period under discussion the employment rate in rural areas has been smaller than in towns, whereas the differences between country and town women are greater than differences between country and town men. In 1989 the rate of employment in rural areas was 75 per cent and that in the towns was 77 per cent. Two recent years have considerably widened the gap. In 1996 the employment rate in rural areas was 56 per cent, in towns 63 per cent. The employment rate of women as compared with that of men was lower both in rural areas and in towns. During the period 1989-1993 the employment rate of women both in rural areas and in towns decreased steadily, but during the past three years the employment rate of women in rural areas decreased more rapidly than that of women in towns.

(ii) Unemployment (Yearbook of Estonia's Statistics 1998)

269. While there was almost no unemployment in 1989-1990, the year 1992 witnessed the average of 29,000 unemployed. By 1994 the figure was approximate double and an additional one third was added during the following year. The unemployment rate grew in 1996 and reached 10 per cent; this meant that every tenth person who was willing to and capable of work had failed to find employment. Unemployment grew most rapidly during 1992-1993. In 1991, 2 per cent of the labour force was unemployed, while in 1993 the figure was 7 per cent. Until 1994 there were no essential differences between the unemployment figures of men and women, but in 1995 and 1996 the number of unemployed men was considerably larger than that of unemployed women. In 1996 the unemployment rate of men was 11 per cent and that of women was 9 per cent. Among the unemployed 44 per cent were women (31,600) and 56 per cent were men (40,400).

270. As for the age groups, the unemployment rate was the highest among the young (15-24 years of age): in 1996 the figure was 16 per cent. The unemployment rate of people of 25-49 years of age increased in 1995 to 9.8 per cent and decreased slightly in 1996 (to 9.7 per cent). The growth of the unemployment rate of older people (50-69 years old) was the slowest. This can be explained by the fact that the elderly left the labour market. During the period 1989-1996 the number of non-active 50- to 69-year-old people grew by one and a half times.

271. Until 1992 unemployment was the greatest in towns, whereas in the following years the growth of unemployment in rural areas has been more rapid. In 1996 the unemployment rate was 11 per cent in rural areas and 10 per cent in towns, whereas the unemployment of women in rural areas increased and that of men decreased in comparison with the previous year. The fact that unemployment among men in rural areas has decreased does not mean that the opportunities to find employment in rural areas have increased for men. In 1996 the number of employed men in rural areas was the same as in 1995 (100,800). Unemployment decreased due to the fact that some of the unemployed men in rural areas gave up seeking employment, as they had lost hope of finding it. In 1995 the wage rate of women in towns was slightly higher than that of the

women in rural areas, but in 1996 the figure increased by 10 per cent among women in rural areas and remained almost the same (9 per cent) as in 1995 among women in towns.

272. According to sociological surveys, one of the impediments to the integration of non-Estonians is the fact that the majority of aliens do not command the official language, which in turn affects employment. Still, the 7.5 years of re-independent Estonia have essentially changed the structure of employment: the number of jobs in the primary and secondary sectors has essentially decreased in favour of the tertiary sector (trade, service industry, finances, banking). Due to the fact that the majority of post-Second World War Russian-speaking immigrants were workers (or specialists) in the industrial sector, the change in the structure of the economy has affected them directly, creating unemployment especially among skilled workers and technical specialists with a secondary education. Consequently, unemployment has to do not only with the command of the language (as a factor of competence), but also with the fact that the possibilities of employment in the production sector have dramatically decreased due to the privatization processes.

273. According to the registered statistics of the Labour Market Board, among the unemployed workers 52 per cent are Estonians and 48 per cent are non-Estonians (Russian-speaking population). The unemployment of the latter is a problem in eight regions. These are the following:

Region	Percentage of Russian-speaking unemployed workers seeking jobs (per cent)
Ida-Virumaa	88
Tallinn	75
Harju County	70
Valga County	32
Lääne-Virumaa	30
Tartu County	27
Pärnu County	26
Läänemaa	26
Total in Estonia	48

(f) Non-Estonians and employment training

274. Employment training in Estonia was launched in 1993, and since then approximately 35,000 persons have undergone training. In 1993-1994 the training was extended to unemployed seekers of employment, but since the Social Protection of the Unemployed Act entered into force in 1995, it is possible to offer training only to the unemployed who have been registered by State employment offices. The following table gives an overview of the possibilities of employment training available to non-Estonians. Only these regions where the percentage of Russian-speaking learners is more than 20 per cent are under scrutiny.

Region	Percentage of Russian-speaking learners by regions (per cent)
Tallinn+Harju County	60
Ida-Virumaa County	90
Parnu County	20
Tartu County	25
Total in Estonia	40

(g) The right to form and join trade unions

275. Article 29 of the Estonian Constitution states "... employers and employees may freely join unions and associations". Thus, employees have been provided a constitutional guarantee for both the positive and negative exercise of this right. The Constitution does not provide any grounds to restrict this right.

276. The Non-profit Associations Act establishes that the procedures for the formation and termination of associations of employees, and the bases for their activity, shall be established by a separate law (sect. 1, subsect. 2). No such law has yet been adopted.

277. The Estonian SSR Law on Trade Unions of 1989 (UVT, 1989, 40, 623) applies in practice, although it is not entirely in accordance with current legislation. The application provisions of the Non-profit Associations Act resolve this situation as follows: "Until such time as a separate law on the activity of associations of employees and their unions is established, their statutes shall be registered by the Ministry of Social Affairs, based on the Constitution, current laws governing the activity of associations of employees and their unions, this Act and the conventions of the International Labour Organization (sect. 37, subsect. 1)", and: "From the moment this Act enters into force until such time as a separate law to regulate the activities of associations of employees and their unions is adopted, the provisions of the Estonian SSR Law on Trade Unions, which do not violate the Constitution, this Act (with the exception of provisions regarding property) or the conventions of the International Labour Organization, shall have force (sect. 37, subsect. 2)."

278. According to article 1 of the Estonian SSR Law on Trade Unions:

> "Estonian Trade Unions represent and protect their members' rights, which spring from the generally recognized principals of international law, as well as the rights which are established in the Universal Declaration of Human Rights, in the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights, by the conventions of the International Labour Organization, and by other international treaties which have been ratified according to the prescribed procedure."

279. Estonia has acceded to the following ILO conventions regarding the freedom of association:

Right of Association (Agriculture) Convention (entered into force on 26 February 1923),

Convention concerning Freedom of Association and Protection of the Right to Organize (entered into force on 22 March 1995);

Convention concerning the Application of the Principles of the Right to Organize and to Bargain Collectively (entered into force on 22 March 1995).

280. Everybody has the right to belong to trade unions. Article 2 of the Law on Trade Unions establishes that the right to belong to a trade union rests with all persons who work in or belong to a certain profession. The exercise of this right may only be restricted by law, and such restrictions must be necessary in a democratic society for the protection of law and order and the rights and freedoms of others. It is also established that becoming a member of a trade union is voluntary, members must comply with the statutes of the trade union, and pensioners shall maintain the right to belong to the trade union (sect. 2).

(h) The right of trade unions to protect the interests of their members

281. Article 29 of the Estonian Constitution states, "In order to protect their rights and legal interests, unions and associations of employees and employers may use any means which are not prohibited by law. The conditions and procedures for exercising the right to strike shall be established by law. Procedures for settling labour disputes shall be established by law."

282. The right of employees to collective protection and the collective resolution of disputes are regulated in Estonia by three basic laws: the Employees Representatives Act (RT I 1993, 40, 595), the Collective Agreements Act (RT I 1993, 20, 353) and the Collective Labour Disputes Resolution Act (RT I 1993, 26, 442).

283. The Central Organization of Estonian Trade Unions (EAKL) came into being as a wholly voluntary and purely Estonian organization in 1990 to replace the Estonian branch of the official Soviet labour confederation, the All-Union Central Council of Trade Unions (AUCCTU). Workers were given a choice as to whether or not they wanted to join the EAKL. On 1 February 1999 EAKL membership was 75,000, organized in 27 unions. Another association of union came into being on 28 September 1992 - the Estonians Employees Unions Association (TALO), joining 40,000 persons by 1 February 1999. Pursuant to a 1993 sociological survey, 16.5 per cent of Estonians, 17.8 per cent of Russians and 21 per cent of other people living in Estonia participate in trade unions.

(i) The right to housing

284. Pursuant to section 6 of the Law of Property Act (RT I 1995, 26-28, 355), an owner may be a natural person or a legal person in private law (persons in private law), or the State, a local government or a legal person in public law (persons in public law). Subsection 3 of the same section states that the acquisition of property by legal persons, foreign States, their citizens, international organizations and stateless persons may be restricted by law in the public interest.

285. One of the Acts by which such restrictions are established is the Restrictions on Transfer of Immovable Property Ownership to Aliens, Foreign States and Legal Persons Act (RT I 1996, 39, 766), in force as of 7 June 1996, which establishes the conditions of and procedure for the

transfer of immovable property ownership to aliens. This act is not applied to the transfer of property ownership of the State or local government units, to succession, to transfer of immovable property, to joint ownership of spouses if one of the spouses is an Estonian citizen or if a foreign treaty which is ratified by the Riigikogu establishes otherwise. Subsection 3 of section 2 of the Act enumerates the areas where it is prohibited for aliens to acquire a plot of land, but subsection 4 of the same section establishes an exception to the effect that the Government of the Republic may as an exception grant permission for acquisition of a plot of land for reasons significant to the State. As a rule, the permission for the transfer of ownership of immovable property is given by the governor of the county where the property is located.

286. Apartments can be acquired pursuant to the Apartment Ownership Act. Apartment ownership is also regulated by the law of Property Act, as apartment ownership is deemed to be immovable, and the immovable property ownership provisions of the Law of Property Act (RT I 1993, 39, 590), in force as of 1 December 1993, apply thereto. Pursuant to section 3 of the Apartment Ownership Act (RT I 1994, 28, 426), in force as of 14 April 1994, the owner of an apartment may be the State, a local government, a natural person, a legal person in private law or a legal person in public law who is the owner as provided by the Act. The Act gives the following definition of the object of apartment ownership: a residential space which is delimited in real terms by construction and enables independent use, and the parts of the building belonging to the space together with a legal share of the part of the building which is not a physical share and of the plot of land which correspond to the total area of the residential space. For the purposes of this Act, the physical share of an object of apartment ownership may also be a non-residential space.

287. Pursuant to section 5 of the Commercial Lease Act (RT I 1990, 12, 126), in force as of 1 October 1990, the lessor may be the owner or the lawful possessor of the property to be leased. If it is so established in the laws of the Republic of Estonia, in the contract or in the founding document of the lawful possessor, the latter may be a lessor.

288. A natural or a legal person may be a commercial lessee. If at least one of the parties to the contract is a person residing outside the Republic of Estonia or a legal person located outside the Republic of Estonia, the property on the territory of the Republic of Estonia shall be leased pursuant to the procedure established by the Government of the Republic.

289. One possibility of acquiring residential space is through privatization, which is regulated by the Residential Privatization Act (RT I 1993, 23, 411). The Act regulates the relations that arise in the course of the privatization of dwellings and apartments (hereinafter: residential space) which are owned by the State, local governments and other obligated subjects of residential privatization established by law; the Act determines the object, subjects, conditions of and procedure for privatization. Pursuant to section 4 of the Act the following are the entitled subjects of residential space privatization:

(a) The tenant or one adult family member, permanently residing with him or her, who uses the residential space on the bases of a residential lease contract, pursuant to the written agreement, approved by the obligated subject, between the tenant and the former adult family members of the tenant sharing the same residential space;

(b) An Estonian citizen who is at least 18 years old;

(c) An alien who is at least 18 years old who has a permanent or temporary residence permit in Estonia as required by the Aliens Act; also an alien who settled in Estonia before 1 July 1990 and is living here and had a permanent address registration in the Estonian SSR until the acquisition of a residence permit;

(d) A legal person registered in the Republic of Estonia who is an entitled subject of privatization pursuant to subsection 1 of section 3 of the Privatization Act, and whose field of activity - pursuant to their Articles of Association - is administration and leasing of residential space, since 1 March 1995.

290. The privatization of residential space is more specifically regulated by the procedure for residential privatization, approved by regulation No. 198 of the Government of the Republic (RT I 1993, 46, 641), on the basis of the Residential Privatization Act.

291. Pursuant to the Social Welfare Act, housing services are social services, and pursuant to section 14 of the Act, the local government authorities are required to provide housing for persons or families who are unable or incapable of securing housing for themselves or their families by creating, if necessary, the opportunity to lease social housing or to use a shelter. The procedure for provision and use of social housing is established by the rural municipality council or city council pursuant to subsection 8 (2) of the Republic of Estonia Dwelling Act. Persons who have difficulties moving about, caring for themselves or communicating in a dwelling are assisted by the rural municipality government or city government in adapting their dwelling or in obtaining a more suitable dwelling.

(j) The right to public health, medical care, social security and social services

292. Article 28 of the Constitution of the Republic of Estonia establishes that everyone has the right to the protection of health. An Estonian citizen has the right to State assistance in the case of old age, inability to work, loss of a provider, or need. Citizens of foreign States and stateless persons who are in Estonia have this right equally with Estonian citizens, unless otherwise provided by law. The State shall promote voluntary and local government welfare services. Families with many children and persons with disabilities shall be under the special care of the State and local governments.

(i) The right to public health and medical care

293. This is regulated by the Public Health Act (RT I 1995, 57, 978) and the Health Care Administration Act (RT I 1994, 10, 133). Pursuant to section 3 of the latter, everyone in the territory of the Republic of Estonia is entitled to emergency medical care, and pursuant to section 6, every person is entitled to get information about his or her state of health from the doctor.

294. Section 5 of the Aliens Act (RT I 1993, 44, 637) stipulates the rights and duties of aliens as follows: aliens staying in Estonia are guaranteed rights and freedoms equal to those of Estonian citizens unless the Constitution, this Act, other Acts or international agreements of Estonia provide otherwise. Aliens are also guaranteed the rights and freedoms arising from the generally recognized rules of international law and international custom.

(ii) Statistics

295. The decrease of the number of medical institutions and health-care workers, which lasted for a decade, stopped in 1997. The number of hospitals by the end of the year was the same as in the year before (79), whereas the number of hospital beds was smaller by 390. The number of doctors grew by 64. The number of doctors per 10,000 people was 31, just as many as in 1995. The growth of the proportion of private medicine was quicker than in previous years. The figures for the use of medical care have stabilized. The number of visits to out-patient medical institutions and dentists and home visits of doctors per person has been almost the same during the last four years. The work of hospitals is becoming more and more intense: the average number of days of medical treatment per in-patient is decreasing. This enables more patients to be treated without increasing the number of hospital beds and, at the same time, an increase in the average use of each hospital bed. Statistics on patients of different nationalities is not collected.

(iii) Social services

296. Section 4 of the Social Welfare Act (RT I 1995, 21, 323) stipulates that permanent residents of the territory under the jurisdiction of the Republic of Estonia have the right to receive social services, social benefits and other assistance unless an international agreement provides otherwise. A permanent resident is an Estonian citizen residing in Estonia or an alien residing in Estonia who has a permanent residence permit.

297. Aliens who settled in Estonia before 1 July 1990 and are staying in Estonia on the basis of permanent address registration in the former Estonian SSR have the right to receive social services, social benefits and other assistance until the term of the legal basis for their stay in Estonia expires. A citizen of a foreign State who is an ethnic Estonian or a stateless person who settled in Estonia after 20 August 1991 and his or her spouse and children have the right to receive social services, social benefits and other assistance as do permanent residents of Estonia. Aliens staying in Estonia who have a temporary residence permit are subject to this Act pursuant to international agreements. Refugees staying in Estonia have the right to receive social services, social benefits and other assistance on the same bases as permanent residents of Estonia.

(iv) Social insurance

298. The provision of health services, sickness and maternity compensation in Estonia is regulated by the Sickness Insurance Act. Section 1 of the Sickness Insurance Act states that

sickness insurance is a State-guaranteed system for the preservation of the population's health, covering the expenses of temporary inability to work due to sickness or injury and the cost of medical care, and paying compensation for pregnancy and childbirth. Section 2 of the Act states that persons who have paid social tax or on whose behalf social tax has been paid to the State sickness insurance budget pursuant to the Social Tax Act of the Republic of Estonia, are deemed to be covered by obligatory sickness insurance. The expenses of sickness insurance of the following are covered from the State sickness insurance budget: the insured persons and their dependant family members, children under the age of 18 years, pupils and students enrolled in daytime study, the parent, guardian or caregiver of a disabled child under 18 years of age or of a person who is disabled from childhood, caregiver of a category I-disabled person, persons who are taking care of children under three years of age who do not work, pregnant women, persons who receive pensions under the State Allowances Act, the Old Age Pensions on Favourable Conditions Act and the Superannuation Pensions Act, persons declared unemployed and persons equal to insured persons in cases prescribed by law.

299. Pursuant to section 1 of the Social Tax Act of the Republic of Estonia, the social tax is paid by every employer operating on the territory of the Republic of Estonia on all sums payable to individuals, payments in kind (expressed in monetary terms) and other payments. Legal persons pay social tax on remuneration paid to members of management boards and supervisory boards and other directing bodies of legal persons. Pursuant to contract of service, the orderer pays social tax on every sum payable to individuals as remuneration, payments in kind and other transfers. Social tax on the sums payable to persons who have been elected or appointed to the State or government institutions of the Republic of Estonia, to local government bodies and social organizations and movements shall be paid by the legal persons who make payments to the said persons. Individuals pay social tax on income received from enterprises after deduction of documented direct costs of earning the income, including social tax paid on the sums payable to other natural persons and education expenses deducted from income by way of income tax.

300. The provision of old-age benefits is regulated by the State Allowances Act, the Superannuation Pensions Act and the Old Age Pension on Favourable Conditions Act.

301. Subsection 6 (1) of the Superannuation Pensions Act (RT I 1992, 21, 294) stipulates that the superannuation pension is given, under the conditions stipulated in the Act, to persons who have at least 15 years of pensionable service in Estonia. Pursuant to section 1 of the Act, the superannuation pension is given to workers and specialists who perform work the nature of which hinders their continuance in the same profession or in the same post. Section 2 of the Act enumerates the occupations the pursuance of which gives rise to the right to superannuation pension. Persons are entitled to superannuation pension under the following conditions: termination of employment in an occupation which gives the right to pension and a specified number of years of pensionable service.

302. Pursuant to the Old Age Pension on Favourable Conditions Act (RT I 1992, 21, 292), under the conditions prescribed by law, the pension is given to persons who have at least 15 years of pensionable service in Estonia. Pursuant to section 1 of the Act persons who have

been engaged in work which poses a special health hazard or implies especially difficult working conditions, pursuant to a list approved by the Government of the Republic, are entitled to old age pensions on favourable conditions. The required number of years of pensionable service for men is 20, including 10 years of the specified work, and for women 15 years, including 7 years and 6 months of the said work. Men with at least 25 years of pensionable service, including at least 12 years and 6 months of the said work are also entitled to pension on favourable conditions.

303. The State Allowances Act regulates the provision of disability benefits and survivor's benefits. Pursuant to section 1 of the State Allowances Act (RT I 1993, 15, 256), persons who reside permanently in Estonia are entitled to receive State allowances. Also, aliens who settled in Estonia before 1 July 1990 and are staying in Estonia on the basis of permanent address registration in the former Estonian SSR, who retain the rights and duties established by former legislation until they receive a permanent residence permit or an order to leave Estonia on the basis of the Aliens Act, are entitled to receive State allowances. Aliens who have settled in Estonia after 1 July 1990 and are staying in Estonia on the basis of a temporary residence permit have the right to receive State allowances if the right to pension arose in Estonia and if he or she is not a recipient of any other country's pension. Pension shall be given for the period of the temporary residence permit. Refugees staying in Estonia have the right to State allowances on equal grounds with permanent residents in Estonia.

304. Provision of family allowances is regulated by the Child Benefits Act (RT I 1997, 42, 676). Pursuant to section 2 of the Act the following receive benefits:

(a) Permanent residents of Estonia, unless otherwise provided by an international agreement. Child benefits are not paid to permanent residents of Estonia who work abroad for a term of more than three months and are not taxpayers in Estonia, or who live abroad temporarily and receive regular benefits for their children from the State of temporary residence;

(b) Citizens of foreign States and stateless persons who are of Estonian origin and their spouses and children, if such persons have residence permits, in the same manner as to permanent residents of Estonia;

(c) Aliens who have a temporary residence permit for a term of five years in the same manner as to permanent residents of Estonia, but for no longer than until 12 July 2001 unless otherwise provided by an international agreement;

(d) Other aliens with temporary residence permits pursuant to international agreements;

(e) Refugees in Estonia and to their children in Estonia on the same bases as to permanent residents of Estonia.

305. Unemployment benefits are given pursuant to the Social Protection of the Unemployed Act (RT I 1994, 81, 1381). Section 2 of the Act regulates the right to employment services and to State unemployment benefits as follows:

(a) Permanent residents of the Republic of Estonia have the right to receive employment services and State unemployment benefits unless an international agreement provides otherwise;

(b) Aliens to whom a temporary residence permit was granted for the first time on the basis of sections 20 and 21 of the Aliens Act or outside the immigration quota before 12 July 1993 have the right to receive State unemployment benefits and employment services until the residence permit expires;

(c) Refugees staying in Estonia have the right to employment services and State unemployment benefits on the same basis as permanent residents of Estonia.

306. Employment training is provided by a State employment office without charge, the aim being to increase the competitiveness of persons in the labour market (sect. 10). For the implementation of the Act the Government of the Republic, by its regulation No. 62, dated 9 February 1995, has approved "The Procedure for Arranging Employment Training and Grant and Payment of Stipends to the Unemployed".

307. Pursuant to subsection 1 of section 13 of the Social Protection of the Unemployed Act, the Government of the Republic decided on 3 March 1998, by its regulation No. 43, that the State unemployment benefit is 300 kroons per month.

308. The damages caused by accidents at work are compensated for pursuant to the Sickness Insurance Act and State Allowances Act. According to section 4 of the State Pension Insurance Act (RT I 1998, 64-65, 1009), which shall enter into force on 1 January 2000, permanent residents of Estonia or aliens who stay in Estonia on the basis of a permanent residence permit have the right to receive State pensions in the cases provided by law which give rise to their right to receive pensions. Refugees staying in Estonia have the right to receive State pensions on equal grounds with the permanent resident of Estonia.

(v) Pensioners and pensions

309. At the end of 1997, the retirement age for women was 56.5 years and for men it was 61.5 years. During the year about 16,000 persons were granted pensions, of whom only a half were old-age pensioners. Disability pensions were granted to 6,000 people. The figure has been the same for several years. Since 1994 the number of families and family members incapacitated for work in receipt of a survivor's benefit has decreased. The total number of pensioners decreased by approximately 3,700 people, but due to the overall decrease of Estonia's population the proportion of pensioners among the population fell by only 0.1 per cent. The total number of pensioners in 1998 was 366,876.

(vi) State benefits

310. Child benefits and family allowances make up the bulk of social security benefits payable from the State budget. In 1997 as much as 96 per cent of the sums payable as benefits were child benefits and family allowances. In 1997 all benefits increased by approximately 14-16 per cent. The child benefits for the second child, and the third and each consecutive child increased somewhat less (11.5 per cent and 9.4 per cent, respectively). At the same time the child's school allowance, which is paid once a year, more than doubled. Also, the sanatorium treatment benefit increased by 21 per cent (in 1996 by 26 per cent). More than 2,400 people used sanatorium treatment benefits in 1997, and the average benefit was 4,700 kroons. The number of child benefits paid changes every year according to the changes of the age structure of the population. As the birth rate decreases, so does the number of persons entitled to benefits related to small children.

(vii) The disabled

311. The most essential indicator of disability-related problems is the number of persons certified as disabled for the first time. During 1991-1993 the number of such persons increased considerably. This can be partially attributed to the fact that the Disability Pension Act was amended and made more favourable towards disabled persons. In 1993 more than 9,000 people were declared disabled, that is 65 per cent more than in 1990. The fact that in 1994 and 1995 the number of persons certified as disabled for the first time decreased gave rise to expectations that the decrease would continue, but 1996 brought about a change of direction. The figure for 1997 remained almost at the same level. The figures for different regions vary very much. As in previous years the number of persons certified as disabled for the first time per 10,000 inhabitants was the biggest in Põlva county (134), whereas in Jarva, Laane-Viru, Harju and Laane counties the figure was below 50. The most frequent causes of disability are illnesses of the circulatory system (27 per cent of cases) and malignant tumours (17 per cent of cases, that is 134 cases more than the year before), followed by diseases of the muscular-skeletal system and connective tissue, diseases of the nervous system and sense organs, and psychic and behaviour disorders. The age of persons certified as disabled for the first time is also important. In the case of the majority of categories of disease the disability begins to emerge at age 45, but psychic disorders and traumas more frequently cause disability of younger persons. In 1996 more than 6,000 disabled were people of working age.

312. There are 30 care homes for adult persons in the Republic (for persons with mental disability and for elderly persons). The number of persons in special care homes on 1 November 1998 was 2,576, the number of persons in State-owned general care homes who settled there before 1 January 1993 was 200 and the number of persons in State-owned general care homes was 400.

313. While placing people in care homes their wishes (to be close to one's home) and the type of care needed are taken into account, and Russian-speaking and Estonian-speaking persons are grouped together if possible. The adult care homes are distributed between the counties as indicated in the table below.

County	Total No of care homes and persons - ( )	State-owned	Local government-owned
Harju	5 (761)	2 (123 persons)	3 (638 persons)
Järvä	2 (166)	1 (120 persons)	1 (46 persons)
Jõgeva	3 (444)	2 (52 persons)	1 (392 persons)
Ida-Virumaa	3 (160)	2 (123 persons)	1 (37 persons)
Laane	2 (382)	1 (37 persons)	1 (345 persons)
Laane-Viru	2 (182)		2 (182 persons)
Põlva	1 (95)		1 (95 persons)
Pärnu	1 (26)		1 (26 persons)
Rapla	1 (73)		1 (73 persons)
Saare	2 (454)	1 (36 persons)	1 (418 persons)
Tartu	4 (106)	3 (76 persons)	1 (30 persons)
Valga	1 (44)		1 (44 persons)
Võru	1 (26)		1 (26 persons)
Viljandi	1 (79)		1 (79 persons)
Hiiu	1 (34)	1 (34 persons)	
Total	30 (3 032 persons)	13 (601 persons)	17 (2 431 persons)

(k) The right to education and training

314. Pursuant to the Constitution of the Republic of Estonia, everyone has the right to education. Pursuant to the Education Act, adopted in 1992, the Riigikogu establishes the principles, general structure and development foundations of the educational system. The Government is competent to adopt national educational programmes and to guarantee their implementation, to regulate the establishment and closure of public educational institutions, to set tuition fees and student loans, to establish the standard of higher education. The Ministry of Education arranges the drafting and implementation of national educational programmes and standards, and issues and revokes licences for legal persons engaged in education. Local governments are responsible for the development and management of educational programmes within the territories under their administration. They found local municipal educational establishments and ensure the financing thereof.

315. In the Republic of Estonia education is compulsory for school-age children. School attendance is also compulsory for the children of foreign citizens and stateless persons residing in Estonia (Education Act, subsect. 8 (6); Basic and Upper Secondary Schools Act, subsect. 17 (4)). The children of foreign citizens shall be educated in the Republic of Estonia according to the procedures prescribed by the Education Act, by international agreements entered into by the Republic of Estonia and by the statutes of respective educational institutions (Education Act, sect. 36).

316. A child who attains seven years of age by 1 October is obliged to attend school that year. A child who has attained six years of age by 30 April may be accepted to school on his or her parents' wish. Children must attend school until the acquisition of basic education or until they attain 17 years of age. The rural municipality and city governments keep records of compulsory

school attendance and, in cooperation with schools, they supervise and create conditions for the implementation of the obligation to attend school. As a rule, basic education is acquired in school, but as an exception education may be given at home. During the time spent in hospital, education shall be provided there.

317. If the obligation to raise and educate a child is not fulfilled, the Code of Administrative Offences is applied to the child's parents. Pursuant to the Code the parents or persons substituting as parents are fined for the failure to fulfil the obligation to raise and educate a child. If the same act results in leaving a child without supervision or his/her straying or committing an act constituting a danger to society, the parents or persons substituting as parents are fined.

318. In 1992 the Republic of Estonia Education Act was adopted (RT 1992, 12, 192). In 1993 the following important Acts regulating educational life came into force:

Basic and Upper Secondary Schools Act, which determines the legal status and organization of the operation of the State and local government basic and upper secondary schools;

Private School Act, which establishes the principles of foundation and the arrangement of work of private schools, the new Private School Act was adopted on 3 June 1998;

Pre-school Child Care Institutions Act, which explains the objectives and arrangement of work of establishments for pre-school children;

Adult Education Act, which establishes legal guarantees for adult education throughout life. The Act regulates achievement education, vocational education, job-related education and open education.

319. Estonia's educational system is comprised of two subsystems. The first is education on the basis of objectives and levels of education: basic education, general education, secondary education, higher education. The second is educational institutions as organizations responsible for the implementation of the objectives of education: pre-school childcare institutions, general education schools, vocational schools, applied higher education institutions, universities, hobby schools, further education institutions.

320. Pursuant to the Constitution the provision of education is supervised by the State. The Pre-school Child Care Institutions Act, the Basic and Upper Secondary Schools Act, as well as the Private School Act provide that State supervision over educational activities is carried out pursuant to the procedure established by the Ministry of Education. The procedure for the supervision of the educational activities of pre-school childcare institutions, basic schools and upper secondary schools has been established by a regulation of the Ministry of Education.

321. The system of general education is assessed through State supervision by regular inspections, by external assessment through final examinations of gymnasiums, by national achievement tests, research, analyses, etc. This work is organized and coordinated by the

Ministry of Education; supervision is carried out by the supervision division of the Ministry and by the departments of education of county governments. Administration of State examinations is the duty of the State Examination and Qualification Centre.

322. The objective of preliminary education in pre-school childcare institutions is to assist parents in the educational process and to prepare children for attending basic school. Local governments have to ensure that preliminary education is available for all children of pertinent age either in pre-school childcare institutions or preparatory groups. The following are the categories of pre-school institutions: baby nurseries (until 3 years of age); nursery schools (from 3 to 7 years of age); day-care centres (from 1 to 7 years of age); special nursery schools (children with special needs, aged from 3 to 7 years); children's centres (offer children of 2 to 12 years of age in a region to participate in games and other developing activities); nursery school-preliminary school (nursery school combined with preliminary school).

323. Pupils with a physical disability, speech disorder, sensory disorder or mental disability can receive special education. When creating possibilities for special education the character and gravity of the disability is taken into account. In special education groups of basic education children with vision, hearing, speech, physical and mental disabilities are supported; family and consultation centres provide for periodic rehabilitation sessions.

324. The parents of children aged 5-6 years favour nursery schools, expecting better preparation for school. Preparatory groups have been formed by schools, but this is not a necessary condition for entering school.

325. Both the Russian and Estonian languages are used in pre-school childcare institutions as the language of instruction.

326. Pre-school childcare institutions are financed from local budgets, special funds and parents' education taxes, as well as from the endowments of undertakings, organizations and private persons. Parents' taxes cover a share of the child's expenses on food and education, the amount being established by local government councils within a framework established jointly by the Ministry of Education and the Ministry of Social Affairs. The legal status of private childcare institutions is established by the Private School Act.

(i) Basic and secondary education

327. Under the Education Act, adopted in 1992, basic education was declared compulsory instead of secondary education. In the Republic of Estonia it is compulsory for school-age children to attend school, and education is free of charge in State and local government general education schools.

328. Basic education is the compulsory minimum level of general education. Acquisition of basic education creates preconditions for and gives the right to continue studies to acquire a secondary education. Basic education is acquired in basic schools. Basic school includes forms 1 to 9 (first level of basic school - grades 1 to 3; second level - grades 4 to 6; third level - grades 7 to 9). Secondary education is acquired in upper secondary schools. Upper secondary

school includes forms 10 to 12. Basic school and upper secondary school are comprehensive schools where every school year is based on the previous one and pupils can change schools smoothly.

329. Basic school and upper secondary school may be State owned, municipal or private schools. The Government of the Republic may decide to declare a basic school and/or an upper secondary school a State school administered by the Ministry of Education or a county government.

330. Public educational institutions (State and municipal institutions, with the exception of universities) are financed from State and municipal resources and the owner's equities. Special education is financed from special resources. State budget allocations for education have been the following: in 1992 - 16 per cent, in 1993 - 16.5 per cent, in 1994 - 15.8 per cent, in 1995 - 16.4 per cent, in 1996 - 16.7 per cent. The State covers all maintenance costs and teachers' salaries in higher educational establishments, vocational schools and State-owned schools (including special schools and sanatorium-schools, schools for disabled children and boarding schools). In municipal schools the State pays teachers' salaries and covers the expenses of acquiring textbooks, whereas the maintenance costs are covered by local governments. Students loans are granted by the State to university students and students at private vocational schools who are enrolled in daytime study.

331. The requirements for basic and secondary education (standards of education) are established by State curricula, on the basis of which each school draws up its own curriculum. The latter is the basic document of study. State curricula determine the objectives of studies, teachers, the relations between State curriculum and the school curriculum, the list of obligatory subjects with their duration and subject programmes, the possibilities and conditions for the choice of subjects, achievement requirements for each level and for graduation. State curricula are established by the Government of the Republic. State curricula have been approved by regulation No. 228 of the Government of the Republic, dated 1 September 1996.

(ii) Higher education

332. Higher educational establishments have been categorized into four groups: universities, public law and private law, public and private applied higher education institutions, and vocational institutions. In 1998 in Estonia there were 6 public-law universities, 4 private universities, 8 State applied higher education institutions, 14 applied private higher education institutions and 4 State vocational schools, the curricula of which enable the acquisition of higher education. The total number of students on 1 October 1997 was 34,542. 22,231 in public-law universities, 3,291 in private universities, 3,285 in State applied higher education institutions, 4,527 in private applied higher education institutions and 1,208 in vocational schools.

(iii) Special education, special assistance, special care for children with behavioural problems, and treatment

333. For ordinary problems pupils and parents should get advice and assistance from the school and the local government. Specific support in ordinary schools is offered by special educationalists. A child who needs special educational conditions studies and fulfils the

obligation to attend school in a class or school formed for that purpose. The type of school and the form of studies are suggested to the disabled children on the basis of medical, psychological and pedagogical tests. Pupils are admitted to sanatorium-schools and special schools for disabled children upon his or her parents' application. When the need for a sanatorium-school or a school for the disabled no longer exists, the child has the right to continue his or her studies in his or her former school.

334. Special schools for disabled children are meant for pupils with physical disabilities, speech disorders, sensory disorders and mental disabilities or who require special educational conditions due to behavioural problems. Sanatorium-schools are meant for pupils with health disorders, who can study and get necessary treatment there.

(iv) Vocational education

335. Acquisition of vocational education in Estonia is regulated by the Vocational Institutions Act. The task of vocational schools is to offer vocational, special and job-related education pursuant to the needs of society and the employment market. On the basis of the educational background required to start studies, the vocational establishments are divided into vocational schools operating on the basis of basic education and vocational schools operating on the basis of secondary education. In some vocational schools it is possible to study both on the basis of basic and secondary education. If the duration of studies is at least four years, it is possible to acquire secondary education in a vocational school. Vocational schools offer daytime teaching, evening teaching and distance teaching. The language of education is Estonian, and the founder of the school has the right to decide on the use of other languages in the learning and teaching process.

(v) Language of instruction

336. The law on basic, secondary and vocational education states that the language of instruction should be Estonian, but it could also be some other language. In municipal schools the decision is made by a local government council, and in State schools by the Ministry of Education. The language of a pre-school institution is determined by a local government council.

337. In a school or a class where the language of instruction is not Estonian, it is obligatory to start teaching Estonian beginning with form 3. The language of instruction of a private school established by a natural or a legal person is determined by the owner of the school. The pupils of private schools can use the benefits offered by the State and local governments on an equal basis with the pupils of State or municipal schools of the same category (Private School Act, subsect. 15 (2)).

338. In an educational institution, some classes or groups may have another language of instruction. These institutions are thus bilingual. In 1997/98, 596 schools out of the total of 730 were Estonian, 111 Russian and 23 both Estonian and Russian. There were 151,478 Estonian-language students at the day basic and upper-secondary schools, and 66,023 Russian-language students.

339. In 1990, the Russian-language Jewish School was founded in Tallinn; in 1992 a class in the Ukrainian language started work at one of the Tallinn schools (Secondary School No. 48).

340. There are Sunday schools and language courses at the cultural societies of national minorities, teaching their mother tongue, culture and history.

341. Some schools of general education that have specialized in teaching various languages have extra lessons in English, German, French or Russian.

342. The present Russian-language schools were established in Estonia during the Soviet period. These schools followed the all-Union curricula and used the textbooks meant for the whole Soviet Union. A major task in reforming the education system is the integration of Russian-language schools into the unified Estonian educational system under which all would follow the Estonian curricula, use Estonian textbooks and provide students with the level of Estonian necessary for coping in our society.

343. The Basic and Upper Secondary Schools Act states that by the year 2007, all graduates of non-Estonian-language basic schools should have sufficient knowledge of Estonian to enable them to continue their studies in the Estonian language. To ensure the fulfilment of this Act, the Government confirmed the plan of development of non-Estonian-language schools in January 1998, and the plan pays special attention to teaching Estonian.

(l) The right to equal participation in cultural activities

344. The non-Estonian population of Estonia embraces historical minorities, such as the Jews, the Germans, the Swedes and the Russians, and later immigrants, the majority of whom no longer speak their mother tongue and communicate in Russian (the majority) or Estonian (more rarely) instead.

345. During 17 June 1940-20 August 1991, a great number of people from other Soviet Socialist Republics settled in Estonia. They make up 35.1 per cent of the population of Estonia. After the Second World War the schools system and cultural establishments of non-Estonians were changed into Russian-language-based schools and establishments. Under the Soviet regime, even the bigger ethnic groups such as the Ukrainians (50,000 people), Byelorussians (30,000) and Finns (17,000) did not have their own language schools or cultural establishments. Every attempt to preserve and develop one's own culture was declared an act of nationalism and it brought about criminal punishment.

346. During 1987-1988, when the process of restoration of Estonia's independent statehood started, the cultural life of national minorities in Estonia gained impetus: various ethnic cultural associations were established and in September 1988 the first forum of minorities was convened, which elected a standing body - The Association of Estonia's Peoples - to represent the political, social and cultural rights of ethnic minorities.

347. Pursuant to article 49 of the Constitution, everyone has the right to preserve his or her national identity. Article 48 of the Constitution provides that national minorities have the right, in the interests of national culture, to establish self-governing agencies under conditions and

pursuant to procedures provided by the National Minorities Cultural Autonomy Act. Pursuant to section 1 of the Act, Estonian citizens who live on the territory of Estonia, who have long, steady and continuous relations with Estonia, who differ from Estonians by their ethnic origin, cultural characteristics, religion or language, who desire jointly to preserve their cultural customs, religion or language which form the basis of their common identity, are regarded as national minorities.

348. Cultural autonomy of national minorities is the right of persons belonging to national minorities to establish self-governing cultural agencies to exercise their constitutional cultural rights. A person who belongs to a national minority has the right to preserve his or her national identity, cultural traditions, language and religion (sect. 3 of the National Minorities Cultural Autonomy Act). Schools for national minorities are opened and run pursuant to the procedure provided by the Private School Act.

349. All persons who legally reside in Estonia have the legal possibility to cultivate their national culture. The cultivation of specific cultural traditions depends on the internal vitality of a community: on the strength of its national identity, on its ability and motivation to preserve its national identity within a foreign cultural environment. It also depends on the economic level, i.e. can a community raise sufficient economic resources for its activities or is it able to apply for State assistance.

350. Among the national minorities in Estonia, the following have their Sunday schools: the Azerbaijanis, the Latvians, the Jews (in Tallinn, Tartu, Kohtla-Järve, Narva), the Poles (in Tallinn, Narva, Ahtme and Tartu), and the Tartars. These schools teach the respective native language, cultural history, literature, history, geography and music. Some Sunday schools are religious. The majority of the schools are free of charge. Financial resources are obtained either through the embassies of mother countries or through the Association of National Minorities of Estonia. Language schools and courses also deserve to be mentioned: the Ukrainian language class of Tallinn Secondary School No. 48, Tallinn Jewish School, language courses of the Romania-Moldova Cultural Society, language courses of the Uzbek Cultural Society, and the Swedish language teaching at the Noarootsi Gymnasium and at the Swedish language school of the Cultural Society of the Virumaa Swedes.

(m) The right of access to any place or service intended for use by the general public

351. Article 34 of the Constitution stipulates: "Everyone who is legally in Estonia has the right of freedom of movement and to choice of residence. The right to freedom of movement may be restricted in the cases and pursuant to procedures provided by law to protect the rights and freedoms of others, in the interests of national defence, in the case of a natural disaster or a catastrophe, to prevent the spread of an infectious disease, to protect the natural environment, to prevent the leaving of a minor or a person of unsound mind without supervision, or to ensure the administration of a criminal proceeding."

352. Pursuant to section 2 of the Local Government Organization Act, a local government has the right, authority and duty to independently organize and manage local issues pursuant to law and based on the legitimate needs and interests of the residents of the rural municipality or city, and considering the specific development of the rural municipality or city. On the basis of the

aforesaid, the local government council shall approve, by its regulation, the public order rules of the rural municipality or town, which have to be in conformity with the law and especially with the Constitution. For example, Valga City Council established, by its regulation No. 1 of 18 January 1995, named "Valga City Rules", section 3.19 of which established a prohibition for persons under 16 years of age to stay in public places without an adult escort from 23.00 to 06.00. The Constitutional Review Chamber of the Supreme Court, with its decision dated 6 October 1997, declared the provision invalid due to its conflict with article 34 of the Constitution. All laws must be in conformity with the Constitution. The Constitutional Review Chamber of the Supreme Court of Estonia exercises the constitutional review of legislation (see art. 6 below).

E. Article 6

1. The Estonian court system

353. The foundations of the Estonian court system are fixed in chapter XIII of the Constitution. Article 146 of the Constitution stipulates: "Justice shall be administered solely by the courts. The courts shall be independent in their activities and shall administer justice in accordance with the Constitution and the laws." Pursuant to section 1 (1) of the Courts Act, "[in the Republic of Estonia] justice shall be administered by the courts, as the sole bearers of judicial power". Pursuant to these provisions of the Constitution and the Courts Act, the only institutions competent to administer justice in Estonia are the courts.

354. In addition to the Constitution and the Courts Act, the other important Acts regulating the Estonian court system and court proceedings are the Status of Judges Act, the Constitutional Review Court Procedure Act, the Administrative Court Procedure Act, the Code of Civil Procedure, the Code of Criminal Procedure and the Code of Administrative Offences. The work of the courts is more precisely regulated by the Rules of County, City and Administrative Courts, the Rules of Tallinn City Court and the Rules of Circuit Courts, approved by a regulation of the Minister of Justice. The Supreme Court en banc has approved the Rules of the Supreme Court.

355. Estonia has a three-level court system. County, city and administrative courts are the courts of first instance. Circuit courts are the courts of second instance that review the decisions of first instance courts by way of appellation. The principle of unrestricted appellation is exercised in Estonia, meaning that it is possible to appeal against wrong assessment of evidence as well as against wrong interpretation or application of substantive and procedural norms. The court of third instance - the highest court in the country - is the Supreme Court. The Supreme Court examines cases by way of cassation, review and revision of judicial errors. As everyone's right of appeal to a higher court against the judgement in his or her case pursuant to procedure provided by law, established by subsection 5 of article 24 of the Constitution, is guaranteed by appellation procedure, and with the aim of controlling the case-flow of the Supreme Court by eliminating manifestly ill-founded complaints, the Supreme Court has the right to decide, in cases stipulated by law, whether or not to grant leave to appeal. The Supreme Court is also the court of constitutional review.

356. All Estonian courts, with the exception of administrative courts, are courts of general jurisdiction. Administrative courts are specialized courts with specific jurisdiction to examine administrative cases and cases of administrative offences. In addition to administrative courts, pursuant to article 148 (1) of the Constitution, it is possible to create other specialized courts with specific jurisdiction by law. So far no such courts have been created. Article 148 (2) of the Constitution prohibits the formation of emergency courts.

357. Pursuant to section 7 of the Courts Act, civil and criminal and administrative cases in the first instance courts are tried by a single judge, or, in cases provided by court procedure acts, by one judge and at least two lay judges collectively. Certain criminal cases may be tried in the first instance courts by a panel of three judges. There are civil, criminal and administrative panels within Circuit Courts, at least three judges participate in the review by way of appellation in a chamber. Also, there are chambers within the Supreme Court and at least three justices participate in the review of a case. In addition to regular chambers, special ad hoc chambers can be formed within the Supreme Court from the members of the civil, criminal and administrative panels, to resolve differences in the application of law. In certain cases the Supreme Court may review cases en banc (i.e. the Chief Justice of the Supreme Court and all members of the Court together).

2. Recourse to the courts

358. Article 15 of the Constitution establishes: "Everyone whose rights and freedoms are violated has the right of recourse to the courts." Every person has the right even in such cases when the law provides for a compulsory pre-trial procedure for settlement of certain disputes. In addition, everyone has the right to compensation for moral and material damage caused by the unlawful action of any person (art. 25).

359. The right of recourse to the courts - like all other rights - does not depend on a person's race, colour, etc. Article 12 (1) of the Constitution establishes: "Everyone is equal before the law. No one shall be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or on other grounds." Subsection 4 (1) of the Courts Act also stipulates: "Citizens shall have the right to protection by the courts if their life, health, personal liberty, property, honour and dignity or other rights and liberties, which are guaranteed by the Constitution, are violated. Justice shall be administered on the principle of the equality of citizens before the law and the courts." Pursuant to subsection 2 of the same section, the citizens of foreign States and stateless persons shall have the right to protection by the courts equal to that of Estonian citizens on the territory of the Republic of Estonia, if not otherwise prescribed in the Republic of Estonia's international treaties.

360. According to article 14 of the Constitution, the guarantee of rights and freedoms is, among others, the duty of the judicial powers. Pursuant to subsection 4 of article 149 of the Constitution, rules regarding court administration and rules of court procedure shall be established by law. The following is an overview of court procedures pursuant to court procedure acts.

(a) Constitutional review court procedure

361 Pursuant to article 15 (1) of the Constitution, everyone has the right, while his or her case is before the court, to petition for any relevant law, other legislation or procedure to be declared unconstitutional. Pursuant to subsection 2 of the same article, the courts shall observe the Constitution and shall declare unconstitutional any law, other legislation or procedure which violates the rights and freedoms provided by the Constitution or which is otherwise in conflict with the Constitution. Pursuant to article 152 of the Constitution the courts shall not apply in a court proceeding any law or other legislation that is in conflict with the Constitution. The said provisions indicate that it is possible to initiate constitutional review proceedings in a court only if the court is already trying a case. Thus, an individual can participate in the initiation of a constitutional review proceeding only on the basis of a pending court proceeding. Within the pending proceeding an individual is entitled to file a pertinent application with the court. Every judge and every court has the right and duty to interpret the Constitution and assess the constitutionality of a law, other legislation or procedure. Pursuant to section 5 of the Constitutional Review Court Procedure Act, if a court, in resolving a case, concludes that the applicable law or other legislation is in conflict with the Constitution, the court shall not apply the law or legislation and shall declare it unconstitutional. The court shall notify the Supreme Court and the Legal Chancellor thereof, thus initiating the constitutional review proceedings in the Supreme Court. The Supreme Court is competent to declare invalid any law or other legislation that is in conflict with the provisions and spirit of the Constitution (art. 152 (2) of the Constitution).

362 In the Estonian constitutional review system the individual has no direct access to the constitutional review court - to the Supreme Court. A person can submit a pertinent application concerning a relevant law, other legislation or procedure, within the pending case. If the court does not agree with such application or petition, the party to the case still has the possibility to reach the final decision maker - the Supreme Court - through appellation and cassation proceedings.

363 Individuals have an indirect possibility to require the protection of his or her rights and freedoms and to influence the initiation of constitutional review proceedings through recourse to the Legal Chancellor. Pursuant to section 12 of the Legal Chancellor Activities Organization Act, every person has the right to file a petition with the Legal Chancellor to review the conformity of an Act or other legislation of general application with the Constitution or the law. If the Legal Chancellor finds that legislation passed by the legislative or executive power or by a local government is in conflict with the Constitution or the law, he or she shall propose to the body which passed the legislation that the legislation or a provision thereof be brought into conformity with the Constitution and the law. If the body that passed the legislation has not brought the legislation or a provision thereof into conformity with the Constitution or the law within 20 days after the date of receipt of a proposal of the Legal Chancellor, the Legal Chancellor shall propose to the Supreme Court that the legislation of general application or a provision thereof be declared invalid (art. 142 of the Constitution, sects. 15 (1) and 17 of the Legal Chancellor Activities Organization Act).

(b) Administrative court procedure

364. Within the framework of the administrative court procedure individuals can dispute the legislation and procedures of administrative bodies and officials. Anyone who finds that the legislation or procedure of a body, agency or official, referred to in subsection 4 (1) of the Code of Administrative Offences, violates his or her rights or restricts his or her freedoms, has the right of recourse to the administrative courts (subsect. 5 (1) of the Code of Administrative Offences). Administrative courts are competent to review the lawfulness of any single administrative act, from the acts of the President of the Republic to the legislative acts of the officials of local governments. Administrative courts also review administrative procedures.

365. Administrative courts review complaints pursuant to procedures provided by procedural laws, as a rule at open sessions. The parties have equal rights in administrative courts: they can participate in the court session and present oral and written observations (subsects. 17 (2) and 13 (1) of the Code of Administrative Procedure).

366. Administrative courts may declare the disputed legislation or procedure - in its entirety or partially - illegal. In this case the administrative court shall propose to the pertinent body, agency or official to review the matter and to make a new decision or perform a new procedure (subsects. 20 (1) and 20 (2) of the Code of Administrative Offences).

(c) Civil court procedure

367. Pursuant to subsection 4 (1) of the Code of Civil Procedure, every person has the right of recourse to the courts, pursuant to procedures provided by law, if his or her rights or freedoms are violated. All persons are equal before the law and the courts in civil cases and as a rule the cases are heard in public (sect. 6 and subsects. 8 (1) and 8 (3) of the Code of Civil Procedure).

368. Pursuant to article 6 of the Convention, the States parties undertake, inter alia, to assure to everyone the right to seek from tribunals just and adequate reparation or satisfaction for any damage suffered as a result of discrimination prohibited by the Convention. From the procedural point of view the Code of Civil Procedure regulates the filing of complaints, the General Principles of the Civil Code Act stipulate the measures for protecting civil rights in subsection 112 (2) as follows: recognition of rights, elimination of violations and prevention of further violations, restoration of the situation that existed prior to violation, compensation for damage and compulsory performance of obligations, as well as other measures provided by law. Part 2, division 4 (sects. 23-26) of the General Principles of the Civil Code Act deserve to be mentioned in this context, as it is devoted to the protection of personal rights. These provisions deal with defamation, protection of private life, protection of a person's name as well as protection of other personal rights, providing for the termination of the violation of a person's personal rights and compensation for moral and proprietary damage, and the exercise of other remedies provided by law.

(d) Criminal procedure

369. In relation to article 6 of the Convention, the administration of justice in relation to the crimes established by section 72 (incitement of national, racial, religious or political hatred,

violence or discrimination) and section 72[1] (violation of the principle of equality) of the Criminal Code is of special relevance, but the relationship of other criminal acts with discrimination can certainly not be excluded

370. Subsection 90 (1) of the Code of Criminal Procedure enumerates the grounds for initiating criminal procedure and include petition. Pursuant to section 93 of the Code of Criminal Procedure the investigator or prosecutor has the obligation to examine all submitted applications or communications and to initiate or refuse to initiate criminal proceedings. The investigator's refusal to initiate proceedings may be appealed to the prosecutor, the Prosecutor's refusal to initiate proceedings may be appealed to a more senior prosecutor. Appeal against the court's or judge's refusal to initiate proceedings may be submitted to higher instance courts (subsect. 93 (3) of the Code of Criminal Procedure).

371. If a person has suffered moral, physical or proprietary damage through a crime, the investigator shall issue a ruling declaring the person a victim (subsect. 114 (1) of the Code of Criminal Procedure). The victim is a party to criminal proceedings, and has the right to give statements relating to the case, submit evidence and petitions, take part in the judicial hearing of the case, and other rights provided by law (subsect. 34 (1) and sect. 40 of the Code of Criminal Procedure).

372. Pursuant to section 13 of the Code of Criminal Procedure, justice is administered in criminal cases on the principle that persons are equal before the law and the courts irrespective of their origin, social or proprietary standing, race and nationality, sex, education, language, religion, field and mode of occupation, residence and other circumstances.

(e) Administrative offences procedure

373. Administrative offences are minor infringements, which fall under the punitive law but which are resolved by an administrative court or an official pursuant to the Code of Administrative Offences of Estonia.

374. The victim - the person who has suffered moral, physical or proprietary damage through an administrative offence - has the right to participate in administrative proceedings. He or she has the right of access to the files, to submit complaints and appeal against the decision made in the administrative offence case (subsect. 242 (2) and sect. 244 of the Code of Administrative Offences).

375. Pursuant to subsection 247 (1) of the Code of Administrative Offences, the parties to an administrative offence case have equal rights before the official, administrative judge or administrative court dealing with the case.

3. The right of recourse to other institutions

276. In addition to the right of recourse to the courts and protection of rights through court procedure, everyone has the right to address State agencies, local governments and their officials with memoranda and petitions (art. 46 of the Constitution). Pursuant to subsection 3 (1) of the Response to Petitions Act the State agencies, local governments and their officials have the

obligation to register the memoranda and petitions addressed to them and to reply in writing within one month from receipt of the memorandum or petition. It follows from article 14 of the Constitution that the said agencies are not only expected to simply reply to persons, but "the guarantee of rights and freedoms is the duty of the legislative, executive and judicial powers, and of local governments". If a petitioner does not agree with the decision made on the basis of his or her memorandum or petition, he or she has the right to appeal to a higher State agency or court: in case of a decision of a local government, either to the pertinent local government council or to court (subsect. 9 (1) of the Response to Petitions Act).

F. Article 7

1. Education

377. Article 37 of the Constitution of the Republic of Estonia establishes: "Everyone has the right to education. Education is compulsory for school-age children to the extent specified by law, and shall be free of charge in State and local government general education schools. In order to make education accessible, the State and local governments shall maintain the requisite number of educational institutions. Other educational institutions, including private schools, may also be established and maintained pursuant to law. Parents shall have the final decision in the choice of education for their children. Everyone has the right to receive instruction in Estonian. The language of instruction in national minority educational institutions shall be chosen by the educational institution. The provision of education shall be supervised by the State."

378. Article 38 of the Constitution provides that "science and art and their instruction are free. Universities and research institutions are autonomous within the restrictions prescribed by law".

379. The Government of the Republic, with its regulation No. 228, dated 6 September 1996, approved the State curriculum for basic and secondary education (RT I 1996, 65, 1201), which is the basis for teaching in all State, municipal and private schools of general education in Estonia. On the basis of the State curriculum each school shall develop its own curriculum, taking into account the peculiarities and development trends of the school. The State curriculum consists of a general part and subject programmes.

380. The general part states the general objectives of education. Section 1 of the general part establishes, inter alia, that "teaching and educating shall proceed from the principles of humanism and democracy, respect towards the man and the law". Section 2 of the general part reads as follows: "The basic objective of a general education school is to assist the development of a personality, capable of coping with his or her life and work, who develops himself or herself and contributes to the development of the society, determines himself or herself to be a citizen of the nation, a person who shares responsibility for the future of Europe and the world, who respects himself or herself and others, and his or her own and other peoples' cultures."

381. Chapter III establishes the principles of curricula, as follows: "Humanist and democratic relations in school are an essential prerequisite for the development and preservation of a democratic society, wherein the man and the law are respected. In school the pupils learn about valid laws, norms and rules, and learn to understand the importance and implications thereof. In

interpersonal relations tolerance towards different people is valued and violence is avoided Cooperation skills are developed, and sensitivity and understanding towards the special needs of others."

382. One of the subjects to be taught pursuant to the subject plan in basic schools and upper secondary schools is anthropology and civics, which aspire, inter alia, to help pupils to value the principles of democracy, human and civil rights, and to develop their political culture. The pupils of the first three grades, in addition to the traditions and holidays of Estonians, learn about the traditions of national minorities, other countries and peoples, neighbouring countries and Estonia's position among other States. By the end of the third grade a pupil should realize that people and the traditions of different nations may vary. The pupils of grades 4-6 learn, inter alia, under the title "Man and the law", about laws and their importance, human rights, rights of the child and the legal protection thereof. The graduate of the sixth grade should be aware of human rights and the rights of the child. Under the heading of civics, the pupils of grades 7-9 are taught about the position of man in society, the State and the law (essence and principal features of democracy, the rule of law - the importance and functions of the Constitution), the citizen and the law (the importance of social norms in social relations, justice, law and the rules of ethics, human rights, the European Convention on Human Rights, the courts and legal protection, the principles of democratic administration of justice, citizen's rights and obligations, the protection of interests and rights). The graduate of a basic school is familiar with the political and administrative organization of the Republic of Estonia, with human rights, and is prepared to be a responsible citizen, is aware that the resources at the disposal of society are limited and knows the difference between needs and wishes. In the upper secondary school the rights of citizens are taught under the title "Social theory", which includes the subject "The individual and society". Under the subtitle "The individual and the State" the following is taught: human rights, citizen's rights and obligations, social security, the role of the State and the individual in securing social security, protection of the State and the citizen, social insurance and social assistance, principles and types of programmes, human rights and social policy legislation of the Republic of Estonia, the Council of Europe and the European Union. The graduate of an upper secondary school is familiar with the essential international organizations, the principles of economic and cultural relations between States, knows the rules of democracy, human rights and citizens' rights and conforms to the laws of the Republic of Estonia.

383. Teachers and other representatives of the teaching profession are trained at the Continuing Education Department of Tallinn Pedagogical University and the Continuing Education Centre of Tartu University. A special board of the Ministry of Education gives its recommendations for the further education programme for teachers of civics and social theory, and suggests the topics to be taught. During the first half of 1997 the Continuing Education Department of Tallinn Pedagogical University organized three 3-day seminars. The first of these took place on 8-10 March, and covered the following topics: introduction to the civics (the objectives and implications of the subject), overview of the sources and literature (basic human rights instruments), the dilemma of majority and minority, the concept and identification of minority groups, the protection of minorities in the decision-making process. At the seminar of 3-5 April 1997 on civics for basic and secondary schoolteachers, the following subjects were discussed: the dilemma of individual and community, citizens' rights and obligations, human rights, social security, etc. The seminar of 15-17 May was devoted to teaching methodology

384. In the second half of 1997 the Continuing Education Department of Tallinn Pedagogical University organized a one-week seminar for teachers of the civics and social theory. The lecturers were from different universities and the authors of a newly published textbook on civics. The course contained three subjects: (i) the problems of majority and minority in a democracy (main minority groups and their protection, democratic decision-making process, human rights), (ii) citizen and community - problems of local government, (iii) civics as a subject: objectives, essential points, teaching methods, sources and special literature on civics, the use of the new textbook.

385. In 1998 a two-phase course for the civics teachers of upper secondary schools was organized. The first phase - on 11-13 November 1998 - dealt with several topics, inter alia the Council of Europe, its activities and the problems it is faced with. The second phase - on 13-20 August 1998 - dealt with the structure of society and the changes in it during the post-war period.

386. There are several programmes going on aimed at introducing human rights and fighting the prejudices which give rise to racial discrimination, for example, the pupils' competition "Europe in School", organized with the support of the Council of Europe, the European Commission, the European Cultural Fund and the European Parliament. The general topic of the competition for 1999 is "Human rights and us" (dedicated to the fiftieth anniversary of the Council of Europe). Literary and figurative artwork by children and youth aged 5 to 21 are expected. As for human rights, the following topics are expected to be covered: racism, the rights of minorities, children/pupils, freedom of speech, violence. The interpretation of other subjects related to European integration, politics, economy, culture, and relations between Estonia and Europe are also allowed.

2. Culture

387. The main objective of Estonia's cultural policy is to secure the continuance of the traditions of Estonian national culture, the exercise of the cultural autonomy of national minorities, and the vitality of professional and folk culture in all fields. When making decisions concerning cultural policy and allocating resources for various cultural aims, the following principles, adopted by the Riigikogu, are to be taken into account:

(a) All members of society, irrespective of their gender, ethnic origin or residence, have an equal right to participate in cultural life;

(b) The State shall pay special attention to unique cultural phenomena peculiar to certain areas, especially to endangered cultural phenomena;

(c) The State shall facilitate the cultural activities of national minorities within their own culture, and the cultural contacts of the minorities with their respective ethnic homelands;

(d) Voluntary cultural associations have an essential role in the national and local cultural arrangements. The State shall support the activities of national cultural associations and folk culture societies.

388 Article 49 of the Constitution of the Republic of Estonia establishes that everyone has the right to preserve his or her national identity. Pursuant to article 50 of the Constitution, national minorities have the right, in the interests of national culture, to establish institutions for cultural self-government under conditions and pursuant to procedures provided by the National Minorities Cultural Autonomy Act.

389 The National Minorities Cultural Autonomy Act (RT I 1993, 71, 1001), regulates, pursuant to article 50 of the Constitution, the right of minorities to establish institutions for cultural self-government in the interests of national culture. Section 1 of the Act determines national minorities for the purposes of the Act. Section 2 gives the definition of cultural autonomy of national minorities and regulates which minorities are entitled to establish institutions for cultural self-government (persons belonging to the German, Russian, Swedish and Jewish minorities and persons belonging to minorities with more than 3,000 people). Section 3 establishes the right of a member of a national minority to preserve his or her ethnic identity, cultural traditions, language and religion and prohibits a disdainful attitude towards national cultural traditions and religions and hindering the performance thereof; it also prohibits activities which aim at making people change their national identity by force. Section 4 establishes the rights of persons belonging to national minorities, which are: the right to establish and support national cultural and educational institutions and religious congregations, to establish national organizations, to perform national traditions and traditions of religious cult, if it does not harm public order, health or morals; to use one's language within the limits prescribed by the Language Act; to publish publications in one's language; conclude cooperation agreements between the national cultural or educational institutions and religious congregations; to disseminate and exchange information in one's language.

390 Through the Ministry of Culture, the Republic of Estonia supports the activities of a number of cultural societies. Allocations were made in 1998 to support the cultural societies of national minorities. The Ministry supported 90 national minority cultural societies in 1998 (information available until 25 September 1998).

3 Human rights organizations

391 A number of international, governmental and non-governmental organizations are dealing with human rights issues in Estonia. These include: the United Nations Development Programme in Estonia; Human Rights Institute, founded on 10 December 1992; Jaan Tõnisson Institute, founded on 17 April 1991; Legal Information Centre for Human Rights, founded on 2 May 1994; Estonian Institute; UNICEF Estonian National Committee; Estonian Children's Fund; Estonian Red Cross; the Legal Chancellor; Chamber of Handicapped Persons; Social Rehabilitation Centre; Estonian Union for Child Welfare.

392 The Government of the Republic cooperates with NGOs in order to get expert opinions, and invites them to participate in educational programmes.

393 On 22 September 1998, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, the United Nations Development Programme in Estonia introduced an Estonian- and English-language bulletin, "Human Rights in Estonia". On 9 December 1997, a human rights textbook for schools was published by the Estonian

Human Rights Institute, the Ministry of Education and UNDP. Also on the occasion of the fiftieth anniversary of the Universal Declaration the Ministry of Foreign Affairs and UNDP jointly published the Estonian, Russian and English language versions of the Declaration. Every pupil who finishes basic school or upper secondary school shall be given a free copy.

394. The Estonian Human Rights Institute was founded in December 1992, on the initiative of President Lennart Meri. It is a voluntary, independent, non-profit association whose activities are as follows:

(a) Collecting and disseminating domestic and international information on human rights;

(b) Providing information and expert assistance concerning human rights, their protection and realization;

(c) Preparing and publishing educational materials on human rights.

On 6 September 1996, the Tallinn-based Institute established an information office at Kohtla-Jarve. This new office is providing services in both the Estonian and Russian languages.

395. In cooperation with the teachers of the Tallinn Pedagogical University, the Institute worked out a manual for teaching human rights to the pupils of the forms 7-9 of Estonian schools of general education. In 1998/99, 15 teachers from various schools teach human rights to children on the basis of this manual. At the end of the school year, this new manual will be revised in the light of comments and amendments proposed by these teachers. It will thereafter be published and join other textbooks of general education.

396. The Presidential Roundtable on National Minorities is a standing conference operating under the auspices of the President of the Republic, the function of which is to discuss matters of political and public life, including ethnic, economic and social-political issues. The Roundtable operates pursuant to the Statute of the Presidential Roundtable on National Minorities (adopted on 11 February 1998 in Tallinn at the Roundtable meeting), the preamble of which establishes: "Proceeding from the spirit of the Constitution of the Republic of Estonia; relying on the will of the Republic of Estonia to ensure respect for human rights in accordance with international treaties and conventions; endeavouring to promote stability, dialogue and mutual understanding between the different ethnic groups residing in Estonia, the President of the Republic of Estonia, on 10 July 1993 resolved to convoke a ROUNDTABLE - a standing conference of representatives of ethnic minorities and stateless persons residing in Estonia and of political parties." The objectives of the activities of the Roundtable are established in section 7 of the Statute as follows: "The objective of the Roundtable is to work out recommendations and proposals concerning: (1) the formation of a stable and democratic society in Estonia, as well as the integration into Estonian society of all people who have linked their lives to Estonia or wish to do so; (2) the resolution of the socio-economic, cultural and legal problems of aliens and stateless persons permanently residing in Estonia as well as that of national minorities; (3) support for persons seeking Estonian citizenship; (4) the resolution of questions related to the learning and use of the Estonian language; (5) the preservation of the cultural and ethnic identity of ethnic minorities residing in Estonia."

397. The expenses connected with the operations of the Roundtable are covered by the Office of the President of Estonia, using for this purpose resources allocated by the Government of the Republic, contributions from other countries and from domestic and international organizations, and donations from individuals intended for the Roundtable.

398. On 11 September 1998 a Roundtable conference, "Citizenship and Children in Estonia", was held.

399. On 18 May 1989, the Estonian Forum of Nations adopted the statute of an independent organization - the Estonian Union of National Minorities. Its aim is to defend the social, economic, political and cultural interests of the minorities living in Estonia. More than 30 national cultural societies and clubs, representing 21 nations living in Estonia, have become members of the Estonian Union of National Minorities.

4. Information

400. When speaking of information, article 45 of the Constitution is to be mentioned first. It establishes that everyone has the right to freely disseminate ideas, opinions, beliefs and other information by word, print, picture or other means. This right may be restricted by law to protect public order, morals, and the rights and freedoms, health, honour and good name of others. This right may also be restricted by law for State and local government civil servants, to protect (a) a State or business secret or information received in confidence which has become known to them by reason of their office; (b) the family and private life of others; (c) the interests of justice. Article 45 of the Constitution also establishes that there is no censorship. This means that the State may not interfere with the planning of radio or TV programmes and may not decide on the content of articles in the press.

401. The printed press in Estonia is, without exception, of a private law character. The commercial undertakings that publish newspapers and journals proceed in their activities on the basis of laws and especially the Commercial Code. In comparison with the electronic media, the activities of the press are less regulated. Section 72 of the Criminal Code, which establishes criminal punishment for incitement of national, racial or religious hatred, is also applicable to the press.

402. The activities of the press are supervised by the Press Council. This is a self-regulating body which operates in two main fields: protection of the free word against any restricting attacks and examination of public complaints against the press. Self-regulation means that the press supervises and disciplines itself, without waiting for interference from outside (the State power, the courts). This is essential from the point of view of increasing the liability of the media, which goes with freedom of expression, an open society and, most importantly, with a well-informed public.

403. The Press Council was established late in 1991, and until April 1997 it operated under the auspices of the Estonian Association of Newspapers. The objective of the Press Council is to protect the freedom of journalism and public expression, and to promote the ethics of the media and the professional skills of journalists. The Council examines complaints against media publications and broadcasting stations and decides upon these. During its existence the Press

Council has dealt with more than 100 cases, and journalists and publications have been found guilty or have been acquitted. The majority of complaints concern presenting wrong information or defamation or the violations of good traditions of journalism. There have been a few other complaints, such as the complaint against the Estonian News Agency (registered as of 22 November 1995) which allegedly emphasized the ethnic origin of criminal offenders: in the headline of a news item the Estonian News Agency had related a crime to the perpetrator's ethnic origin. This was not justified, as the Press Council found in its decisions of 10 January 1996.

404. If the decision of the Press Council is condemnatory, the press publication is obliged to print the decision together with apologies. The Press Council makes decisions pursuant to its statutes and the code of ethics of the Estonian press (this is a collection of principles with no legal force).

405. The activities of the electronic media in the Republic of Estonia are regulated by the Broadcasting Act (RT I 1994, 42, 680), which was adopted on 19 May 1994. Pursuant to section 1 of the Act, one of its objectives is to regulate the procedure for the broadcasting of information and the principles of the operation of broadcasters. Section 2 of the Act gives the following definition of broadcasting: "Broadcasting is the system of forwarding information by electronic communication means (transmitters and networks of transmitters) and making this information accessible." Pursuant to subsection 3 (1), for the purposes of this Act, a broadcasting transmitter is a complex of technical means, by means of which television or radio signals - the carriers of broadcasting information - are transmitted for reception by the general public.

406. Pursuant to section 5 of the Act, the owner or possessor of the broadcaster is responsible for the legal consequences of its activities, unless it is proved that the information was broadcast by violation of possession. The principles of the activities of broadcasting are provided in section 6. A broadcaster has the right, pursuant to the law and the conditions established in its licence, to freely decide upon the content of its programmes and programme services. Thus, it is prohibited for broadcasters to broadcast programmes which are in conflict with the principles of the Constitution and other laws which prohibit discrimination or incitement of discrimination. This is established by section 9 which guarantees the standards of decency and legality as follows: "Broadcasters shall not broadcast programmes, the content of which is immoral or in conflict with the Constitution or the laws". Pursuant to section 13, the possessor of a broadcaster appoints an editor or an equivalent person to programmes and programme services, who shall be responsible for ensuring, inter alia, that in the respective programmes or programme services the requirements of the law are met and the rules of ethics and human dignity are observed.

407. Section 15 contains advertising requirements, makes a reference to the Advertising Act, and establishes that the requirements, restrictions and responsibility established by the Advertising Act extend to advertisements in broadcasting. Pursuant to section 19 the advertising of works propagating violence and cruelty is prohibited.

408. For the purposes of the Broadcasting Act, Eesti Raadio (Estonian Radio) and Eesti Televisioon (Estonian Television) are public law broadcasting organizations. Section 25 establishes their functions and, inter alia, they are responsible for satisfying the information

needs of all nationality groups, including national minorities. Section 26 stipulates the basic requirements for the programmes and programme services of Eesti Raadio and Eesti Televisioon and, pursuant to subsection 2 of section 26, the programmes and programme services of Eesti Raadio and Eesti Televisioon shall promote respect for human dignity and legality, taking into consideration the moral, religious and political beliefs of different ethnic groups.

409. Section 59 of the new draft of the Broadcasting Act, which is pending before the Riigikogu, establishes the objectives and independence of Eesti Televisioon and stipulates, inter alia, that it shall broadcast to the Estonian population and the different groups therein varied and balanced television programmes. Subsection 37 provides that "the programmes and programme services of Eesti Televisioon must promote respect for generally recognized moral beliefs, human dignity and legality, taking into consideration the moral, religious and political beliefs of different national groups". Similar provisions pertaining to Eesti Raadio are contained in the draft pending before the Riigikogu (sects. 36 and 37).

410. The activities of Eesti Raadio and Eesti Televisioon are supervised by the Broadcasting Board, which is established by law. The Board is also the supreme body of Eesti Raadio and Eesti Televisioon.

411. According to the Broadcasting Act, private law persons are allowed to operate on the basis of a broadcasting licence. This is a State document for which fees are charged, and which gives the person registered on the licence the right to operate pursuant to conditions stipulated in the licence. The fee to be charged for a broadcasting licence shall be determined by the Ministry of Culture. A broadcasting licence may be revoked in cases stipulated by law, inter alia when the person registered in the licence violates the requirements of the Broadcasting Act. Pursuant to section 43, the person registered in the licence and his or her officials bear administrative or criminal responsibility for infringements of law.

412. The Advertising Act (RT I 1997, 52, 835) gives the definition of advertising, establishes basic requirements for advertising and special conditions of advertising, and regulates supervision over advertising and establishes liability for violation of the Act.

413. The Advertising Act prohibits offensive advertising. Pursuant to section 5, an advertisement is offensive if it is contrary to good morals and customs, calls on people to act unlawfully or to violate prevailing standards of decency, or if it contains such activities. Pursuant to subsection 5 (2), an advertisement is first and foremost considered offensive if it presents, incites or endorses discrimination on the grounds of ethnicity, race, colour, sex, age, language, origin, religion, political or other opinion, and financial or social status or other circumstances.

414. Pursuant to section 21, supervision over advertising is exercised by the agencies designated by the Government of the Republic on the basis, pursuant to the methods and to the extent established by the Act and other legislation. Local governments supervise, within their administrative territories, advertising at exhibitions, expositions or other public events, outdoor advertising, advertising inside or on the outside of public transport vehicles and taxis, advertising in stores or advertising events.

415. Section 22 of the Advertising Act enumerates the persons who are liable for violation of the requirements or restrictions established for advertising. Pursuant to section 23, the director of an agency exercising supervision over advertising or an official authorized by him or her has the right, upon ascertaining a violation of the Act, to issue a mandatory order to the advertiser to cease publication of the advertisement. Upon failure to comply or inadequate compliance with a mandatory order by a legal person, the director of the agency exercising supervision over advertising which issued the order or an official authorized by him or her shall compile an administrative offence report and present it within three days to an administrative judge to hear the matter. Upon determining a violation of the Advertising Act, an administrative judge has the right to impose the following administrative penalties: (i) a fine of up to 100,000 kroons for repeated violations of the Act or revocation of any activity licence required for the given area of activity and a prohibition against application for such activity licence for two subsequent years; (ii) a fine of up to 80,000 kroons for offensive advertising or violation of the requirements for advertising directed at children; (iii) a fine of up to 60,000 kroons for violation of the requirements for and restrictions on advertising established by the Act which are not specified in clauses (i) or (ii).

416. Pursuant to section 25, natural persons bear administrative liability for violation of the requirements for and restrictions on advertising established by the Advertising Act, pursuant to conditions, procedures and to the extent prescribed by the Code of Administrative Offences.

417. Subsection 137 (6) establishes penalties for the infringements of the requirements of the Advertising Act.